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THE PRACTICE
OF THE
COURT OF GREAT SESSIONS

FOR THE SEVERAL COUNTIES OF
CARMARTHEN, PEMBROKE, AND CARDIGAN;

THE COUNTY OF THE
BOROUGH OF CARMARTHEN;
AND THE
TOWN AND COUNTY OF HAVERFORDWEST.

BY RICHARD FOLEY,
SECONDARY OF THE CIRCUIT.

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AND T. GOODERE, SWANSEA.

1792.

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P R E F A C E.

THE Author being often called upon in his official Situation to certify the Practice of the Court, some Time since extracted from the Book of Orders such general Rules as have been from Time to Time made for the Regulation of the Proceedings.

Many Applications having been made for a Copy of those Rules,

more particularly of late, on some very good Regulations being added to those already in Existence, he resolved to print all the General Rules, that every Practitioner, or other Person requiring it, might be furnished with a correct Copy. This Resolution has given him an Opportunity of presenting to the Circuit a short Practice of the Court on the Plea Side, to which the Rules are added as an Appendix.

Little appears necessary to be said by Way of Introduction or Observation on the present Production, which

which is not offered as a complete Assistant for a Practitioner on all Occasions; for it has not been thought necessary to enter into minute Details of such Proceedings as agree with the Course of the superior Courts, but chiefly to notice such Things as are peculiar to the Jurisdiction of the Circuit. There are so many Books published on the Practice of the Courts at Westminster, with some of which every Professor of the Law is furnished, that it was supposed a full Detail of such Forms and Directions as are already in Print, would not have been acceptable.

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ceptable. If this Attempt should be thought at all worthy of Attention, perhaps the Author may be encouraged to proceed with the Practice on the Equity Side of the Court. In any Event, it is hoped that the present Publication can do no harm; it may be of some Service, and save Trouble to those who will correct its Errors and add to its Information.

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THE

THE PRACTICE
OF THE
COURT OF GREAT SESSIONS
FOR THE SEVERAL
COUNTIES OF CARMARTHEN, &c.

Of the JUDGES *of the* COURT.

THERE are two Justices of the Great Sessions for the Carmarthen Circuit. The Chief, or High Justice, as he is termed in the Stat. 34 and 35 Hen. VIII. C. 26. S. 124. is by that Statute directed to be appointed, and the other Justice is appointed under the Authority of the Statute of the

18th Eliz. C. 8. They both hold their Appointment by Letters Patent under the Great Seal of Great Britain, to be exercised by themselves, or their sufficient Deputies; but by Stat. 13 Geo. III. C. 51. S. 3. the Power of nominating Deputies is taken away, “ except for the Purpose of calling
 “ and adjourning any Court or Courts, and receiving any Motion or Motions appointed or
 “ especially directed to be made at such Court,
 “ and for the further Purpose of taking and procuring Fines and arraigning Recoveries;” and for such Purposes the respective Justices, or either of them, may nominate any Deputy or Deputies, by Writing under Hand and Seal.

The Justices have Power to hold all Manner of Pleas of the Crown in their respective Sessions, in as large and ample Manner as the Chief Justice of England, and the other Justices of the King’s Bench there, or any of them may do within the Realm of England; and also to hold Pleas of Assizes, and all other Pleas and Actions, real, personal and mixt, in as large and ample Manner as the Chief or other Justices of the Common Pleas may do in the Realm of England. Stat. 34. 35. Hen. VIII. C. 26. S. 12.

Of the OFFICERS of the COURT.

THE Attorney General is appointed by Letters Patent under the Great Seal of Great Britain, and invested with every Power and Authority within the Limits of the Circuit, which the Attorney General of England hath within the Realm of England. It is his Duty to attend to the Proceedings against every Prisoner. After having perused the Indictment to be carried before the Grand Jury, (for his Signature, to which an ancient Fee of 6*s.* 8*d.* is paid) he appears as Counsel for the Crown in the Prosecution, which is of vast Service to the Country in bringing Offenders to Justice.

The Office of Prothonotary and Clerk of the Crown are united, and are held by Letters Patent under the Great Seal for Life. In the Prothonotary's Office all the Proceedings are filed, and the Records kept in Civil Actions; so that the Appointment is of considerable Consequence. The pre-

sent Prothonotary, as his Predecessors have done, executes his Office by Deputy. He has the Nomination of the Secondary.

The Secondary acts as Master, Clerk of the Rules, and Clerk of Assize. He is also Deputy Clerk of the Crown, and as such, in his Office, after the Indictment is found by the Grand Jury, all subsequent Proceedings in Criminal Matters are carried on.

The Chief Justice, by Virtue of the Stat. of 34 and 35. Hen. VIII. C. 26. S. 15. nominates a Marshal and Cryer to attend upon the Court in their own proper Persons, and not by Deputies. The Marshal enters all Causes for Trial, and he abbreviates the Pleadings for the Judges.

The Chief Justice also appoints the Clerk of the Indictments.

The Compounder holds his Office by Patent under the Great Seal, and executes the Office by Deputy. He attends the Circuit for the Purpose of compounding Fines and Recoveries.

The Cursitor is properly a Chancery Officer, but as he makes out Original Writs returnable in the Common Law Court, I mention him here, and have to observe, that he holds the Office of Cursitor, together with that of Chamberlain or Chancellor, by Patent under the Great Seal for Life. This Officer, by the 17th Sect. of Stat. 34 and 35 of Hen. VIII. C. 26. has the Custody of the Original Seal; but to prevent any Assumption of Authority from that Charge, by the 21st Sect. of the same Statute it is declared, “ that the Chamberlain or Chancellor of the different Circuits shall “ not compel any Person to appear before themselves, nor have Power and Authority to hear “ and determine any Pleas of the Crown, nor “ other Matters of Justice,” otherwise than is in the Act declared with Regard to the King’s Revenue.

Of the GREAT SESSIONS.

34 & 35 Hen.
VIII. c. 26.
f. 5.

Sect. 15.

THE Great Sessions continue for the Space of six Days in each Shire, and are appointed twice in every Year, about Spring and Autumn, in Pursuance of a Writ of Summons made out by the Prothonotary, tested by the Chief Justice, and directed to the Sheriff; who thereupon makes Public Proclamation of the Time the ensuing Great Sessions are to be held, according to the Exigency of such Writ, fifteen Days at least before the Great Sessions are kept.

Of PROCESS.

Of commencing an Action by Capias ad Respondendum.

BY Stat. 25 Geo. III. C. 80. S. 13. the first Thing to be done on commencing or appearing to any Action, is to deliver a Memorandum or
Minute

Minute, on a Half Crown Stamp, to the proper Officer, containing the Names of the Parties prosecuting and defending the Suit, of the Attorney concerned, and the Stile of the Court in which the Action is brought. By the 14th Sect. it is declared that such Memorandum shall be of the same Force as a Præcipe to any Judicial Writ, but the Form prescribed by the Act not being consonant to the Form used for Præcipe's, it is become customary first to make out the Memorandum, and then the Præcipe, as follows:

CARMARTHENSHIRE.—Capias for John Thomas against Henry Morgan, late of the Parish of Llangathen, in your County, Yeoman, in Trespass; (or as the Case may be).

JOHN WILLY, *Attorney,*

14th June, 1790.

*Returnable the first Wednesday
in July next ensuing*

Upon which the Prothonotary makes out a Capias, with a Notice subscribed, to the Defendant directed, of the Intent and Meaning of

Sect. 2.

the Writ wherewith he is served, pursuant to the Stat. 6 Geo. II. C. 14. for which Copy and Service, by the same Statute, no more than 5s. is to be charged. The Form of the Writ is as follows:

John Willy,
Attorney, issued
14th June,
1790.

GEORGE the THIRD, by the Grace of God, of Great Britain, France and Ireland King, Defender of the Faith, &c. to the Sheriff of Carmarthenshire, GREETING: We command you that you take Henry Morgan, late of the parish of Llangathen, in your County, Yeoman, if he shall be found in your Bailiwick, and him safely keep, so that you may have his Body before our Justices of our Great Sessions of your County, on the first Wednesday in the Month of July next, coming to answer John Thomas in a Plea of Trespas, and have you there then this Writ. Witness John Lloyd, Esquire, Chief Justice at Carmarthen, the first Day of April, (the last Day of the preceding Sessions) in the thirtieth Year of our Reign.

MATHIAS.

Mr.

Mr. Henry Morgan.—You are served with this Process, to the Intent that you may, by your Attorney, appear in his Majesty's Court of Great Sessions for the County of Carmarthen, at the Return thereof, being the 7th Day of July, 1790, in Order to your Defence in this Action.

But if the Debt amounts to 1*l.* or upwards, a Bailable Capias, on a proper Affidavit being filed, (similar to those used in the Court of Common Pleas at Westminster) may be obtained, with the *ac etiam* Clause as in that Court. The Præcipe is as follows:

PEMBROKESHIRE.—Capias for Thomas Williams against William Davies, late of the Parish of Fishguard, in your County, Sail-maker, in Trespass, *ac etiam*, for 3*l.* upon Promises, (or as the Case may be).

JOHN WILLY, *Attorney*,

Dec. 27th, 1790.

*Returnable the first Day of next
Spring Great Sessions.*

Bail on Oath for 15*l.*

The

The Prothonotary makes out the Bailable
Capias as follows:

John Willy,
Attorney, if-
fued 27th Dec.
1790.

GEORGE the THIRD, by the Grace of God, of
Great Britain, France and Ireland King, Defend-
er of the Faith, &c. to the Sheriff of Pembroke-
shire, GREETING: We command you that you
take William Davies, late of the Parish of Fish-
guard, in your County, Sail-maker, if he shall
be found in your Bailiwick, and him safely keep,
so that you may have his Body before our Jus-
tices of our Great Sessions, of your County, on the
first Day in our next Great Sessions, to be holden
for your said County, to answer Thomas Wil-
liams in a Plea of Trespass, and also to the Bill of
the said Thomas, to be exhibited against him for
30*l.* upon Promises and Undertakings, &c. and
have you there then this Writ. Witness, John
Lloyd, Esquire, Chief Justice at Guildhall, Ha-
verfordwest, the 23d Day of August, in the thir-
tieth Year of our Reign.

MATHIAS.

Indorsed, REES, 27th Dec. 1790.

Mark't Bail for 15*l.* by Affidavit filed.

REES.

In

In like Manner an Alias, Pluries, &c. may be obtained.

All these Writs are returnable on some Day in the Great Sessions, or on the first Wednesday in any Month during Vacation. Stat. 13. Geo. III. C. 50. S. 15.

If the Capias be not returnable in the Vacation, (which, if Time permits, is the best Way, as it forwards the Suit considerably) it would be best to serve the Process eight Days before Sessions, provided the Debt or Damages do not amount to 10*l.* for Reasons which will be shewn under the Titles, “ Appearance to an Action commenced by Capias;” and, “ Of the Notice of Trial.”

Of PROCESS.

*Of commencing an Action by Original in Debt,
the Proceedings of which are afterwards car-
ried on in the Nature of a Concessit Solvere.*

THIS is an Action of Debt upon simple Contract, without Bond or Specialty. Style 228. But it lies not against an Executor or Administrator. Style 199. 228.

The Form of the Writ pursues the Direction given in the Statute or Ordinance of 12th of Edward I. for the Writ of Debt. The Method of declaring, (of which hereafter) is all that is peculiar to the Jurisdiction in Wales, and other particular Jurisdictions, as in London, Bristol, &c. After preparing the Half-Crown Warrant, you make out a Præcipe for the Curfitor, as follows:

CARDIGANSHIRE.—Command Thomas Selby,
late of the Parish of Caron, in your County,
Labourer, that justly and without Delay he
render

render to Henry Oakley 9*l.* which he oweth
and unjustly detaineth, and so forth.

JOHN WILLY, *Attorney,*
12*th* August, 1789.

Returnable 1st Day of next Sessions.

Upon which he sends you an Original as follows:

“ GEORGE the THIRD, by the Grace of God, “ John Willy,
“ of Great Britain, France and Ireland King, “ Attorney,
“ Defender of the Faith, and so forth, To the “ issued 12*th*
“ Sheriff of Cardiganshire, Greeting : Command “ August,
“ Thomas Selby, late of the Parish of Caron, in “ 1789.”
“ your County, Labourer, that justly and with-
“ out Delay he render to Henry Oakley the Sum
“ of 9*l.* which he owes and unjustly detains from
“ him, as he saith; and unless he shall do it, and
“ if the said Henry Oakley shall make you secure
“ for prosecuting his Complaint, then summon by
“ good Summoners the said Thomas Selby, that
“ he be before our Justices of our Great Sessions
“ of your County, the first Day in our next Great
“ Sessions, to be holden in and for your said
“ County,

“ County, to shew wherefore he will not do it,
“ and have you there the Summoners and this
“ Writ. Witness ourself at Carmarthen, the thir-
“ teenth Day of April, in the twenty-ninth Year of
“ our Reign.”

This Writ is fealed with the Original Seal,
and returned by the Sheriff thus:

Pledges to prosecute, { John Doe,
and
Richard Roe.

Summoners, - - - { John Den,
and
Richard Fen.

The Answer of

THOMAS POWELL, Esq. Sheriff.

Upon this Writ, you give the following Notice
to the Defendant:

In the Great Sessions, CARDIGANSHIRE.

Between { Henry Oakley, Plaintiff,
and
Thomas Selby, *late*
of the Parish of Ca-
ron, in the said
County, Labourer, Defendant.

THIS

THIS IS TO GIVE YOU NOTICE, That an Action is commenced, and will be prosecuted against you at the next Great Sessions to be holden in and for the said County, by the Plaintiff above-named, for the sum of 9*l.* due from you to him, for Goods sold and delivered, Money lent and advanced; (or as the Case may be) and that the said Plaintiff will proceed to Judgment* (or Trial) in the said Action; to which said Action you may appear, and make your Defence, if you think fit. Dated the 13th Day of August, 1789.

Your's, &c.

To Thomas Selby, Labourer, the Defendant above named.

JOHN WILLY,
Attorney for the Plaintiff.

This Notice should be served fifteen Days before Sessions, exclusive of the Day of Service, and the Day of Sessions, otherwise you cannot force the Rule 15 G. II.

* If you don't chuse to proceed to Trial at the first Sessions, you may omit these Words—or indeed, if you do intend to proceed to Trial, you need not declare your Intention of so doing before the Time directed by the Rule of Spring Great Sessions, 1790.

the Defendant on to Trial the first Sessions, or obtain Judgment till the second Rules, which are held at the Prothonotary's Office after the Rising of the ninth Court.

Rule 15 G. II. The Service must be on the Defendant or his Wife, or left with one of the Servants or Family in the Defendant's Dwelling-house, with Information of the Contents.

Of COMMON BAIL,

Or Appearance to an Action commenced by Capias.

IT is almost needless to notice the Half Crown Warrant, which must be filed on entering an Appearance—but if the Plaintiff enters the Appearance according to the Statute, he need not file a stamped Memorandum, although if the Defendant afterwards carries on any further Proceedings in the Suit, he must previous thereto file such
Memo-

Memorandum. Stat. 25. Geo. III. C. 8. S. 22
and 23.

Where the Debt or Damages expressed in the
Process or declared for, do not amount to ten
Pounds in all Actions personal, if the Plaintiff sues
out an Original Writ or Process, and serves the De-
fendant therewith eight Days before Sessions, the
Defendant must appear at or before the third
Court. In Default thereof the Plaintiff may enter
an Appearance for the Defendant, upon filing an
Affidavit of the Service of the Writ, and proceed
as if the Defendant had appeared.

Stat. 6 Geo. II.
C. 14. S. 1.

If the Defendant is served with a Capias ad Res-
pondendum returnable in Vacation, he must enter
a Common Appearance on the Day of the Return,
or within fourteen Days after, or in Default there-
of the Defendant may do so, and proceed as above.

13 Geo. III.
C. 51. S. 15.

It is observable that the Statute of the 6th of
Geo. II. C. 16. although it partly recites the Sta-
tute made the 12th Geo. I. C. 29. intituled " An
" Act to prevent vexatious Arrests," in Strictness
extends only to Cases where the Debt or Damages
C are

are under 10*l.* no such Clause being therein contained as in the 12th of Geo. I. C. 29. S. 2. namely, "That if any Writ or Process should issue for
 " the Sum of 10*l.* or upwards, and no Affidavit
 " (of the Debt) or Endorsement (of the Sum sworn
 " to) should be made that the Plaintiff or Plain-
 " tiffs should not proceed to arrest the Body of
 " the Defendant, but should proceed in the like
 " Manner as is by the said Act directed in Cases
 " where the Cause of Action does not amount to
 " the Sum of 10*l.* or upwards." Therefore it
 seems a Plaintiff proceeding by Service of Process
 in an Action for 10*l.* and upwards, is without Remedy under this Act, or indeed in Cases within
 the Extent of the Act, if the Service be not made
 within the Time prescribed. However, since the
 passing of the Act, and the total Disuse of Proceeding by Queritur and Capias as laid down in
 Vaughan's Practica Walliæ, in either of the Cases
 stated, where the Action extends beyond the Letter
 of the Statute, or where the Process has not been
 served in Time, it has been usual for a Plaintiff to
 consider himself entitled to enter an Appearance
 for the Defendant at the Rising of the third Court,
 but he will not thereby be in so good a Situation

as

as he would have been in if his Case had been within the Statute, and his Process served within the Time prescribed.—Vide Title, “ When Defendant ought to plead to an Action commenced by Capias.”

Of SPECIAL BAIL.

IF the Writ is returnable in Vacation, Special Bail must be filed on the Return Day, or within fourteen Days after. Stat. 13 Geo. III. C. 51. S. 15.

If returnable the first Day of Sessions, the Defendant has three Courts to file Special Bail. The Bail-piece is engrossed on a Piece of Parchment stamped with 2*s.* and 1*d.* and is in the following Form :

PEMBROKESHIRE.—Capias against William Brinn, late of the Parish of Johnstone, in the said County, Yeoman, at the Suit of John Wilkin, for Thirty Pounds upon Promises, returnable the first Day of the next Great Sessions for the said County.

Affidavit for Fifteen Pounds.

BAIL.—Francis Lewis, of the Parish of Saint Martin, in the Town and County of Haverfordwest, Sawyer. John Jermin, of the Parish of Saint Mary, in the said Town and County of Haverfordwest, Blacksmith.

The Defendant bound in 30*l*.

Each of the Bail in - 15*l*.

*Taken and acknow-
ledged the 8th
of April, 1789,
before*

DAVID PAYNTER,
*Attorney for the
Defendant.*

DAVID REES,
Deputy Prothonotary.

By the Statute of the 13th Geo. III. C. 51.
S. 12. for the greater Ease and Benefit of all
Persons within the Dominion of Wales, “ It is
“ enacted, That the Justices of the respective
“ Courts

“ Courts of Great Sessions for the Time being,
“ shall and may, as Need shall require, empower
“ such and so many Persons (other than com-
“ mon Attornies and Solicitors) as they shall
“ think fit and necessary, in all and every the
“ several Shires and Counties within their re-
“ spective Circuits, to take Recognizances of
“ Bails; which Recognizances, with an Affidavit
“ of the Caption, shall be transmitted to the
“ Prothonotary's Office to be filed of Record,
“ and for the taking of each of such Recogni-
“ zances the Sum of 2s. is to be paid, and no
“ more.”

Note. This Power of appointing Commis-
sioners has not been executed on the Carmarthen
Circuit, by which Means, a Person arrested in
Pembrokeshire or Cardiganshire under a Process
returnable in Vacation, is put to the vast Expence
of having the Deputy Prothonotary down from
Carmarthen for the Purpose of taking the Bail,
or else the Defendant and his Bail must travel to
Carmarthen.

By the 13th Sect. of the same Statute “ It is
 “ enacted, That the said Justices shall and may
 “ make such Rules and Orders for the justify-
 “ ing of such Bails and making the same abso-
 “ lute, as to them shall seem meet, so as the
 “ Cognizor or Cognizors of any such Bail or
 “ Bails be not compelled to appear in Person
 “ in any of the said Courts to justify him or them-
 “ selves ; but the same may be, and is thereby
 “ directed to be determined by Affidavit or Af-
 “ fidavits duly taken before the said Commis-
 “ sioners, touching the Value of their respective
 “ Estates.”

“ Sect. 14. The Attorney for the Defendant
 “ must, within eight Days after the Caption, give
 “ Notice to the Plaintiff’s Attorney of the tak-
 “ ing of such Bail; and the Plaintiff, within eight
 “ Days after such Notice, shall be at Liberty to
 “ take Exception to such Bail, and enter the
 “ same in the Prothonotary’s Office. Such Ex-
 “ ception having been taken, the Bail shall be
 “ justified before the Justices before the Rising of
 “ the second Court of the ensuing Sessions ; and
 “ the Bail Bond shall remain in Force ’till such
 “ Special

“ Special Bail shall have been finally justified as
 “ afore said ; but the Plaintiff is at Liberty to file
 “ his Declaration conditionally, and the Defendant
 “ is to plead in due Time.”

The Bail on this Circuit justify by swearing themselves Housekeepers, and each of them worth the Sum for which the Defendant is arrested, after all their own Debts are discharged ; and not worth double the Sum, as in the Courts of King’s Bench and Common Pleas at Westminster : So declared by Beard, Chief Justice. Pembrokehire Spring Great Sessions, 1783. Morris against Griffith.

It may not be quite foreign to observe, that no Person in Wales can be held to Special Bail on any Writ issuing out of the Courts at Westminster, unless the Cause of Action sworn to be 20*l.* or upwards. Stat. 11 and 12 Wm. III. C. 9. S. 2.

APPEARANCE

*To an Action commenced by Original, and
prosecuted by Concessit Solvere.*

THE Defendant has only 'till the first Rules, which are held at the Prothonotary's Office after the Rising of the fifth Court, to appear, in Case he has been served fifteen Days before Sessions with Notice, (which Service must be exclusive of the Day of Service and of the Day of Sessions) and an Affidavit of such Service, together with a Declaration, has been filed before the Sitting of the second Court; but if the Plaintiff has omitted any of those Requisites, the Defendant has Time till the second Rules which are held after the Rising of the ninth Court, to enter his Appearance.

Of the DECLARATION
In an Action commenced by Capias.

THESE Declarations are all signed by some Counsel belonging to the Circuit, for which 10s. 6d. is paid; but if the Declaration is very special, and is drawn by Counsel, one Guinea, or more, ought to be paid, according to the Trouble given.

The Form follows that of the Common Pleas, except that the “ &c.” which at the Commencement of the Declaration in the Common Pleas includes the Original, is omitted, and Pledges to prosecute are added at the End of the Declaration, as in the King’s Bench; because it is submitted that the Proceedings by Capias ad Respondendum were first established by 6 Geo. II. C. 14. and that no Original Writ is ever even supposed to warrant that Capias, therefore no Original Writ is recited; or by the Insertion of an “ &c.” supposed to be recited in the Declaration, and consequently

quently no Return to that Original, including the Pledges, can be supposed as in the Common Pleas, and therefore they are added to the End of the Declaration.—Vide Boote's Suit at Law, 73, 75, and 87.—The following Counts for Goods sold and delivered, will be a sufficient Example of the Form of the Declaration.

PEMBROKESHIRE, (to Wit).—James Williams, late of the Parish of Saint Brides, in the said County, Gentleman, was attached to answer William Smith, in a Plea of Trespafs on the Case: AND WHEREUPON the said William, by John Willy, his Attorney, complains, THAT WHEREAS the aforesaid James, on the first Day of March, in the Year of our Lord 1790, at Roch, in the said County, was indebted to the said William in the Sum of 20*l.* of good and lawful Money of Great Britain, for divers Goods, Wares, and Merchandizes, before that Time sold and delivered by the said William to the said James, at his special Instance and Request; and being so indebted, he, the said James, in Consideration thereof afterwards, to Wit, on the same
Day

Day and Year aforefaid, at Roch aforefaid, in the County aforefaid, undertook and then and there faithfully promifed the faid William to pay him the faid 20/. when he the faid James fhould be thereunto afterwards required. AND WHEREAS alfo afterwards, to Wit, on the fame Day and Year abovefaid, at Roch aforefaid, in the County aforefaid, in Confideration that the faid William had before that Time, at the like Instance and Request of the faid James, fold and delivered to the faid James divers other Goods, Wares, and Merchandizes, he the faid James undertook, and then and there faithfully promifed the faid William, that he the faid James would well and truly fatisfy and pay to the faid William fo much Money as the fame Goods, Wares, and Merchandizes laft above-mentioned, at the Time of the Sale and Delivery thereof, were reasonably worth, whenever afterwards he the faid James fhould be thereto required. And the faid William avers that the faid Goods, Wares, and Merchandizes laft-mentioned, at the Time of the Sale and Delivery thereof, were reasonably worth

worth other 20*l.* of like lawful Money, to Wit, at Roch aforefaid, in the County aforefaid, whereof the faid James then and there from the faid William had Notice: NEVERTHELESS, the faid James, not regarding the faid feveral Promifes and Undertakings in Form aforefaid made, but contriving and fraudulently intending to deceive and defraud the faid William in this Behalf, hath not paid to the faid William the faid feveral Sums of Money, or either of them, or any Part thereof; although the faid James afterwards, to Wit, on the fame Day and Year aforefaid, and often fince at Roch aforefaid, hath been requested by the faid William to pay him the fame: But fo to do he the faid James hath hitherto refufed, and ftill doth refufe, to the Damage of the faid William of 20*l.* and therefore he bring Suit, &c.

Pledges to profecute, { John Doe,
and
Richard Roe.

All Declarations are to be filed in the Prothonotary's Office.

If

If the Writ was returnable in Vacation, the Declaration should also be filed in the Vacation, seven Days before the first Day of the Sessions next ensuing the Writ, which will forward the Action considerably, as the Defendant in such Case is bound to plead thereto before the Rising of the second Court.

When the Debt or Damages are under 10/. and the Writ returnable the first Day of Sessions, the Declaration should be filed before the fourth Court, if you wish to proceed to Trial that Sessions. Rule Aut. 1781.

*Of the DECLARATION by Concessit,
and of the Iterum.*

VAUGHAN, in his *Practica Walliæ*, p. 13 and 14. gives the following Account of declaring by Concessit:

“ In

“ In all, or most Actions of Debt, without
 “ Bond or Specialty, upon simple Contracts,
 “ there is a far shorter and less intricate Way to
 “ declare, and so ground an Action, than in the
 “ Courts at Westminster, by the ancient Custom
 “ of North Wales, had and deduced from those
 “ three Northern Counties that were Shire
 “ Grounds Time beyond all Memory,* and are in-
 “ deed properly the very North Wales; which
 “ Way is by a mere and plain Concessit Solvere,
 “ and no Matter expressed besides the Time and
 “ Place of the Contract, and the Day of Payment,
 “ whereunto the Defendant most commonly
 “ pleads the General Issue of Nil debet per Pa-
 “ triam; and at the Trial the whole Matter and
 “ Consideration will be given in Evidence; and if
 “ the Plaintiff can make Proof but of Part of the
 “ Debt declared, he shall recover so much, for
 “ the Defendant’s Plea, upon which Issue is join-
 “ ed, says he doth not owe that Debt or any Part
 “ thereof.”

The

* This is a Mistake; the three Northern Counties of An-
 glesea, Carnarvon, and Merioneth, were made such by Edw. I.
 by the Ordinance or Statute of Wales.

The Stat. 27 Hen. VIII. C. 26. which finally incorporated Wales with England, and erected the new Counties of Brecknock, Radnor, Montgomery and Denbigh, and directed in what Manner Justice should be administered in those Counties, provides, that it shall be administered according to the Laws and Statutes of England, and such other Laws and Customs used in Wales, as the King and his Counsel should allow by such Justice as should be thereunto appointed by the King, and after such Manner as Justice was administered in the Counties of North Wales.

The Declaration by Concessit does not require the Signature of Counsel, and is in the following Form:

IN THE GREAT SESSIONS. *Autumn Great Sessions in the twenty-ninth Year of the Reign of King George the Third.*

CARDIGANSHIRE, to Wit. Thomas Selby, late of the Parish of Caron, in the said County, Labourer, was summoned to answer Henry Oakley, in a Plea that he render unto him 9*l.*
which

which he owes and unjustly detains from him, and so forth. AND WHEREUPON the said Henry, by John Willy, his Attorney, declares, THAT WHEREAS the said Thomas, on the first Day of July, in the Year of our Lord 1789, at Caron, in the said County, did * promise to pay the said Henry the said 9*l*. whenever afterwards he the said Thomas should be thereunto required: NEVERTHELESS the said Thomas, although often thereunto required, the said 9*l*. or any Part thereof to the said Henry hath not yet paid, but the same to him to pay hath hitherto refused, and still doth refuse to pay: WHEREUPON the said Henry saith he is injured, and hath Damage to the Value of 9*l*. and thereupon he brings Suit and so forth.

Pledges to prosecute, { John Doe
and
Richard Roe.

This

* Some Pleaders hold the Word "grant, or yield," should be used instead of "promise;" but in Michael against Thomas, Spring Great Sessions 1791, at Haverfordwest, on a Rule to shew Cause why Judgment should not be arrested, Objection was taken to the Form here given, which, on Argument, was determined to be good, and the Rule to shew Cause why the Judgment should not be arrested, was discharged with Costs.

This Declaration should be filed before the Sitting of the second Court, otherwise the Defendant cannot be forced on to Trial the first Sessions, nor can the Plaintiff obtain Judgment against him the first Sessions. Rule 4 Geo. II.

When the Original Writ, Affidavit of the Service thereof, and Declaration are filed with the Prothonotary, he will make out an Iterum in the following Form :

“ GEORGE the THIRD, by the Grace of God,
 “ of Great Britain, France and Ireland King,
 “ Defender of the Faith, and so forth; To the
 “ Sheriff of Cardiganshire, GREETING: Com-
 “ mand Thomas Selby, late of the Parish of
 “ Caron, in your County, Labourer, that justly
 “ and without Delay he render to Henry Oakley
 “ 9*l*. which he oweth and unjustly detaineth
 “ from him, as he saith; and unless he shall do
 “ it, and if the said Henry Oakley shall make
 “ you secure of prosecuting his Complaint, then
 “ summon again, by good Summoners, the said
 “ Thomas Selby, that he be before our Justices
 “ of our Great Sessions, of your County, on
 D “ Tuesday

“ Tuesday next coming, (the second Day of Sessions) to shew wherefore he will not do it; and
 “ have you there then the Names of the Summoners, and this Writ: WITNESS, John Lloyd, Esq. Chief Justice at Cardigan, the twenty-first Day of August, (the first Day of Sessions) in the twenty-ninth Year of our Reign.

“ MATHIAS.”

This Writ is sealed with the judicial Seal, and is returned by the Sheriff thus :

Summoners,	-	-	{	John Den,
			{	and
			{	Richard Fen.

The Answer of

THOMAS POWELL, *Esq. Sheriff.*

It is then filed with the Prothonotary, who now undertakes the whole Trouble of preparing it, as it never was served, and since the general Rule of the 4th Geo. II. 1730, is not called in Court, but is merely Matter of Form, and is become quite useless, as the Declaration by the last-mentioned Rule is actually filed before the Iterum issues: however, by the Rule of the 13th Geo. II.

it

it is ordered to be taken out, and also sealed and returned by the Sheriff before any Judgment is entered.

Of DEMANDING OYER.

IF the Action be on Specialty, or any Bond or Deed be pleaded, the other Party may demand Oyer of the same, and cannot be compelled to proceed in the Suit till such Time as it is given him.

Oyer is demanded by leaving a Note at the Prothonotary's Office to the following Effect:

A. B. against C. D. in —

The Defendant demands Oyer and a Copy of the Writing Obligatory mentioned in the Decla-

D 2

ration

ration in this Cause, and the Condition thereof under-written.

Your's, &c.

JOHN WILLY,

Defendant's Attorney.

To Mr. JOHN BATEMAN,

Plaintiff's Attorney.

It must be delivered before the Time for Pleading is out; and upon the Demand being made, the Defendant will be entitled to three Courts more to file his Plea than he otherwise would have had.

Or if Oyer is demanded by a Plaintiff, he will be entitled to the like Time for Proceeding.

Of PLEAS.

Of Pleas in Abatement.

WHEN any Action is brought for recovering a Debt, and any Plea of a Judgment or Recovery in any of the Courts of Record at Westminster, or other Court of Record, be offered, the Attorney concerned in such Plea must annex an Affidavit of the Truth thereof, otherwise the Prothonotary is not to receive it. Rule 14 Geo. II.

The Prothonotary is ordered not to receive any dilatory Plea without an Affidavit annexed. Rule 16 Geo. II.
Vide Stat. 4 Ann, C. 16. S. 11.

Of PLEAS.

To an Action by Concessit.

THE General Issue to an Action by Concessit is *Nil debet per Patriam*; but the Defendant may, if he chuses it, wage his Law, and plead *Nil debet per Legem*, as mentioned in the Stat. 12 Edw. I. *Si Querens non habeat Obligationem, sed tantummodo producat Sectam vel Talliam poterit pars adversa defendere se ei in nullo teneri et hoc defendere per Legem, scilicet per proprium Sacramentum cum undecim secum Jurantibus vel per Patriam, prout eligere voluerit.*

By the Rule of the 7th Geo. II. six Compurgators are only required, which seems contrary to the Ordinance, unless the latter Part of it be considered to apply to the Proceedings in this Action. “ *Quod si aliquis conquereretur de alio de Contractibus vel Factis in tali Loco, quod posset Intentio Querentis probari per videntes et audientes; cum Querens per hujusmodi Testes, quorum Testimonium reprobari*

reprobari non possit probaverit Intentionem suam, recuperaret Rem petitam, et condemnaretur pars adversa: Et in aliis que non possent probari per videntes et audientes, esset pars defendens ad Purgationem suam aliquando cum pluribus aliquando cum paucioribus, secundum Qualitatem et Quantitatem Rei vel Facti." Vide Vaughan's Practica Walliæ, page 12, whereby it appears that the Courts have been in the Habit of accepting fewer than twelve Compurgators.

The Defendant, the third Court after such Plea pleaded, and Issue joined thereon, (which is entered instanter) must come into Court with six Compurgators, and perform his Law, otherwise Judgment on the Rising of such third Court may be entered for the Plaintiff.

Rule, Spring Sessions, 1759.

When the Defendant wages his Law, the Secondary must have the Record in Court, and the Defendant must be set at the right Corner of the Bar, without the Bar; then the Secondary will ask him if he will wage his Law; if he answers he will, then the Judges equally admonish him and his Compurgators, that they do not take a false

Oath; if they persist, the Secondary speaks as follows :

Secondary.—A. B. (the Defendant) you owe C. D. (the Plaintiff) 100*l.* (or as the Case is) why do you not pay him?

Defendant.—I owe him nothing.

Sec.—Did you not promise, &c. (as in the Declaration).

Deft.—No.

Sec.—Will you take your Oath of it?

Deft.—I will.

If the Plaintiff does not appear on being called thrice by the Crier, he becomes nonsuited, and the Defendant goes quit without taking his Oath; but if he appears, the Secondary bids the Crier call the Plaintiff, and the Defendant lay his right Hand upon the Book and say after him thus :—
“ Hear ye Justices, that I owe not C. D. (the
“ Plaintiff) 100*l.* or any Penny thereof in Man-
“ ner and Form as he hath declared against me :
“ So

“ So help me God, and the Contents of this “ Book.” And then his Compurgators standing behind him are called over, and each holds up his right Hand, and then all laying their right Hands upon the Book, swear that they believe that what the Defendant swore is true.— Vide Salkeld, 682, 683 and 684.

If the Defendant wages his Law instant, the Plaintiff cannot be nonsuited, but is for ever barred; but if a Day is given, whether in the same Sessions or another, the Plaintiff is demandable, and may be nonsuited and bring a new Action.

On examining the Books of Rules for the Carmarthen Circuit, no Instance of waging Law appears subsequent to Carmarthen Spring Sessions 1747, previous to which Time the Practice was very frequent.

Of PLEAS.

*When Defendant ought to plead to an Action
by Concessit.*

Rule 4 Geo. II. **I**F fifteen Days Notice has been given, and the Declaration filed before the Sitting of the second Court, and all other Forms required by the Rule, performed, the Defendant must plead at the first Rules held at the Rising of the fifth Court; but if any of them have been omitted, he has Time 'till the second Rules held at the Rising of the ninth Court.

Of PLEAS.

*When Defendant ought to plead to an Action
commenced by Capias.*

13 Geo. III. **I**F the Capias was returnable in Vacation, the
C. 51. S. 15. Declaration filed in Vacation, and seven Days
Notice

Notice previous to Sessions given, the Defendant must plead before the Rising of the second Court.

Where the Capias is returnable the first Day of Sessions, and the Debt or Damages do not amount to 10*l.* if the Plaintiff files his Declaration before the Rising of the fourth Court, and has given Notice of trying his Cause, if the Defendant pleads, the Defendant will be bound to plead before the Rising of the fifth Court. Rule Aut.
1781.

But if any of those Requisites are omitted, or if the Debt or Damages amount to 10*l.* or upwards, the Defendant hath till the Rising of the sixth Court to plead, which is three Courts after Appearance, and that by ancient Practice, which was three Courts to appear, three to declare, and three to plead, &c.

If the Writ was returnable in Vacation, but no Declaration filed till the Sessions, the Defendant will have only three Courts from the filing the Declaration to plead:—For the Plaintiff, on the Return of the Writ, or fourteen Days after,
will

will enter an Appearance according to the Statute, so that no Time after Declaration filed is allowed Defendant under the Notion of entering an Appearance.

Of PLEAS in BAR.

Of procuring longer Time to plead.

ON Application to the Court by Counsel, an Order for Time to plead will be granted either 'till any Day in Sessions, or 'till a Day in Vacation, called the Common Day, which, after the Spring Great Sessions, is the first Day of Trinity Term, and after Autumn Great Sessions, the first Day of Hilary Term. The Court, however, will be first satisfied of the Reasonableness of the Application by the Assertion of the Counsel employed to draw the Pleadings, but the Motion seldom meets with Success, if by the Course of the Court
the

the Cause can be tried at the Sessions in which the Court is moved, unless some Special Pleadings are required.

Of the REPLICATION.

WHEN the General Issue is pleaded by Defendant to an Action of what Nature soever, the Plaintiff must instantly enter his Similiter thereto.

Rule Spring
Great Sessions
2 Geo. II.

But if any other Plea than the General Issue is pleaded, the Plaintiff is not bound to reply till the third Court after the Plea is filed.

Of TRIAL.

Of the Notice of Trial.

ON new Issues, eight Days Notice of Trial (exclusive of the Day of Service, and the first Day of Sessions) must be given to the Defendant, or to his Attorney in Case he has appeared. Rule Spring Great Sessions, 1790.

On all old Issues, fifteen Days exclusive Notice of Trial is required, and that is sufficient for an Issue of any Date. The Notion which had prevailed that in some Sort of Analogy to the Practice of the Courts at Westminster, a Cause which had slept a Sessions required a Sessions Notice, was over-ruled by Beard, Chief Justice at Cardigan, with much Propriety, as the Delay attendant on giving a Year's Notice would have been intolerable. How the Opinion became prevalent is unaccountable, for it is in direct Opposition to the Rule made Spring Great Sessions, 2. Geo. II. which says, " That if the Plaintiff delays trying
 " his

“ his Cause the Sessions the Plea is put in, (or
“ in other Words when Issue is joined), then
“ in such Case, before any subsequent Sessions
“ he designs proceeding to Trial, he shall give
“ Defendant's Attorney Notice in Writing fifteen
“ Days before, of such his Design.”

When the General Issue is pleaded at the Common Day, only eight Days Notice of Trial is necessary, because the Plaintiff cannot join Issue till the following Sessions, so that at that Sessions the Issue is a new Issue.

Observe in all Cases, when an Attorney has appeared for a Defendant, Notice must be given to the Attorney and not to the Party.

*Of the COUNTERMAND of Notice of
Trial.*

IF you have served Notice for the Trial of a New Issue, four Days Notice of Countermand, exclusive of the Day of Service and first Day of Sessions, is required to be given the Defendant, or his Attorney if he has appeared. Rule Spring Great Sessions, 1790.

By Rule made Spring Sessions, 13. Geo. II. Notice of Countermand of the Trial of an old Issue must be served seven Days before Sessions; those Days, it is presumed, must be exclusive of the Day of Service and the Day of Sessions, as the Notice of Trial is exclusive.

Of GRANTING A VIEW.

ALTHOUGH the Statute for the Amendment of the Law and the better Advancement of Justice, made 4th and 5th Ann. C. 16. does not in the 8th Sect. concerning Views, extend the Benefit of the Jurors having a View previous to the Trial to any other Courts than the Courts of Record at Westminster, yet the Courts of Great Sessions, at least on the Carmarthen Circuit, have constantly made a Rule for a View on Application by Motion in Court, without having the Jury sworn, as had been the Custom before the Statute of Queen Anne above mentioned, and the Legislature seems to have considered the Courts of Great Sessions to have the Power of so doing, for by Stat. 3. Geo. II. C. 25. S. 14. IT IS PROVIDED, " That where a View shall be allowed
 " in any Cause, that in such Case six of the
 " Jurors named in such Pannel, or more, or
 " who shall be mutually consented to by the
 " Parties or their Agents on both Sides, or if
 E " they

“ they cannot agree, shall be named by the pro-
 “ per Officer of the respective Courts of King’s
 “ Bench, Common Pleas, Exchequer at West-
 “ minster, or the Grand Sessions in Wales, and
 “ the said Counties Palatine for the Causes in
 “ their respective Courts, or, if Need be, by a
 “ Judge of the respective Courts where the
 “ Cause is depending, or by the Judge or
 “ Judges before whom the Cause shall be
 “ brought on to Trial, respectively shall have
 “ the View, and shall be first sworn, or such of
 “ them as appear upon the Jury to try the said
 “ Cause before any Drawing as aforesaid, and so
 “ many only shall be drawn to be added to the
 “ Viewers who appear, as shall, after all De-
 “ faulters and Challenges allowed, make up the
 “ Number of Twelve to be sworn for the Trial
 “ of such Cause.”

Of TRIAL.

Of making up the Record for Trial.

Issue Roll.

ALL Trials at the Great Sessions are at Bar, but the Rules which hold in the Courts at Westminster for Trials at Bar, do not all apply to Trials at the Bar of the Court of Great Sessions, such as that they must be tried by Special Jury, that no new Trial can be granted, that it must be moved for in Court, &c.

But you must, however, give timely Notice to the Prothonotary that the Issue may be enrolled, and you must also bespeak the Writs of Venire Facias and Habeas Corpora.

By the Statute 4 and 5 William and Mary, C. 24. S. 15. Jurors in Wales are only required to have 6^l. by the Year of Freehold or Copyhold Lands, or of Lands or Tenements of ancient Demesne, or in Rents, or in all or any of the said

Lands, Tenements, or Rents in Fee Simple, Fee Tail, or for the Life of themselves, or some other Persons. And by same Statute, S. 19. Talesmen 3*l.* by the Year only.

The Officer inserts in the Venire Facias the Clause directed by the Statute, requiring the Sheriff to cause to come twelve lawful Men, each of whom have 6*l.* by the Year at the least, &c.

If the Issue be an old one, the Venire Facias bears Teste the last Day of the preceding Great Sessions, and is returnable the first Day of the Sessions in which the Cause is to be tried, and the Habeas Corpora bears Teste the Return Day of the Venire Facias or the Day after, and is returnable the third Day of Sessions or second Day of Business, which is the Day for trying the Cause.

If the Issue be a new one, the Venire Facias bears Teste the first Day of Sessions, and is returnable the Day Issue is joined, and the Habeas Corpora bears Teste on the Return Day of the Venire Facias or the Day after, and is returnable in three Courts: however, although the Habeas Corpora should

should by this Course be returnable before the fifth Day of Sessions, the Cause will not be struck out of the Paper, if the Party is not prepared, before the fifth Day of Sessions, which is now considered to be the Day for trying the new Issues.

By Statute 3 Geo. II. C. 25. S. 9. It is enacted, That every Sheriff or other Officer, to whom the Return of Juries for the Trial of Causes in the Court of Grand Sessions in any County of Wales, do or shall belong, shall, at least eight Days before every Grand Sessions, summon a competent Number of Persons qualified to serve on Juries, out of every Hundred and Commote within every such County, so as such Number be not less than Ten, or more than Fifteen, without the Direction of the Judge or Judges of the Grand Sessions held for such County, who is, and are thereby empowered, if he or they shall see Cause by Rule or Order of Court, to direct a greater or lesser Number to be summoned out of every such Hundred and Commote respectively; and that the said Officer or Officers who shall summon such Persons, shall return a List, containing the Christian and Sur-

names, Additions and Places of Abode of the Persons so summoned to serve on Juries, the first Court of the second Day of every Grand Sessions: and that the Persons so summoned, or a competent Number of them, as the Judge or Judges of such Grand Sessions shall direct, and no other shall be named in every Pannel to be annexed to every Writ of Venire Facias Juratores, Habeas Corpora Juratorum and Distringas, that shall be issued out and returnable for the Trial of Causes in such Grand Sessions.

Of TRIAL by a SPECIAL JURY.

BY Statute 13 Geo. III. C. 51. S. 6. It is enacted, That the Justices of his Majesty's Great Sessions in Wales, upon Motion made on Behalf of his Majesty, his Heirs or Successors, or on Motion of any Prosecutor or Defendant in any Indictment, or Information of any Misdemeanor,

or

or on the Motion of any Plaintiff or Plaintiffs, Defendant or Defendants, in any Action, Cause, or Suit whatsoever, depending or to be brought and carried on in any of his Majesty's Courts of Great Sessions in Wales, shall and may, in Case such Justices in their Discretion shall think fit, order and appoint a Jury to be struck before the proper Officer of such Courts, for the Trial of any Issue joined in any of the said Cases, in such Manner as Special Juries have been usually struck in the Courts of Law at Westminster, upon Trials at Bar had in the said Courts; which Jury so struck as aforesaid, shall be the Jury returned for the Trial of such Issue as aforesaid. Section 7th enacts, That the Person who shall by Virtue of this Act apply for such Special Jury, shall not only bear and pay the Fees for striking such Jury, but shall also bear, pay and discharge all the Expences occasioned by the Trial of the Cause by such Special Jury, and shall not have any further or other Allowance for the same upon Taxation of Costs, than such Person or Party would be entitled unto in Case the Cause had been tried by a Common Jury, unless the Justices or Justice, before whom the Cause is tried,

shall immediately after the Trial certify, in open Court, under his or their Hand or Hands, upon the Back of the Record, that the same was a Cause proper to be tried by a Special Jury. Sect. 8. And that no Person who serves upon any Jury appointed or returned by Authority of this Act, shall be allowed or take for serving on any such Jury, more than the Sum of Money which the Justices or Justice who tries the Issue or Issues shall think just and reasonable, not exceeding the Sum of One Pound One Shilling, except in Causes where a View hath been or shall be directed.

Of TRIAL.

*Of compelling the Attendance of Witnesses at
the Trial.*

YOU have the same Method of compelling the Appearance of a Witness as in the Courts of Westminster, within the Jurisdiction of the Circuit. The Crier, on your giving him a Fiat to the following Effect, will supply you with what Subpœna you may require.

CARDIGANSHIRE, to Wit. A Subpœna to testify for Henry Oakley, Plaintiff, against Thomas Selby, Defendant, of a Plea of Debt.

JOHN WILLY, *Attorney,*
August 27th, 1789.

Of Entering the Cause for Trial.

ALL old Issues must be entered with the Marshal, before the Sitting of the Evening's Court, on the second Day of every Great Sessions; or, in other Words, before the third Court. Rule Spring 1791.

All new Issues, in the Evening after the Rising of the fifth Court.

No Cause can be entered for Trial 'till it is at Issue. If by Special Pleadings in the Course of Proceedings the Cause is not at Issue by the Rising of the fifth Court, the Cause cannot be entered for Trial 'till the ensuing Sessions.

JUDGMENTS.

*Of Judgment by Default, and herein of the
Writ of Enquiry.*

THE Plaintiff is entitled to Judgment at the Rising of the second Court, if his Capias was returnable in Vacation, his Declaration filed in Vacation, and seven Days Notice of such filing served. 13 Geo. III.
C. 51. S. 15.

The Plaintiff is entitled to Judgment at the Rising of the fifth Court, if the Capias is returnable the first Day of Sessions, and the Debt or Damages do not amount to 10*l.* and if the Declaration is filed before the Rising of the fourth Court, and Notice of Trial given eight Days preceding the Sessions, pursuant to the Rule of Spring 1790, and which Notice supercedes the Necessity of the Notice on the Back of the Declaration directed by the Rule of Autumn 1781. Rule, Aut
1781.

Should

Should the Declaration be not filed in Time, or the Notice omitted, the Plaintiff will not be entitled to Judgment 'till the Rising of the sixth Court; for he cannot enter an Appearance, according to the Statute, 'till the Rising of the third Court, and Defendant is afterwards entitled to three Courts to plead.

When Judgment is signed against a Defendant who does not plead in Time, and the Action founds in Damages, the Judgment is interlocutory, and the Prothonotary will make out a Writ of Enquiry to ascertain the Damages; of the Execution of which, in Vacation, fourteen Days Notice (both exclusive) must be served on the Defendant; and by a General Rule, made at Haverfordwest, Aut. Great Sessions 23 Geo. II. the Time of executing the Writ must be confined in the Notice to four Hours. The Writ itself, in Vacation, is left in the Sheriff's Office two Days before Execution, that he may have timely Notice to summon a Jury.

On the Return Day of the Writ of Enquiry, you call upon the Sheriff, who will deliver you the

the Writ of Enquiry and Inquisition to file with the Prothonotary, who will thereupon enter up final Judgment, which by these Proceedings cannot be done 'till the second Sessions.

But by Rule Aut. Sessions, 31 Geo. II. 1757,
 “ for the Plaintiff's more speedy obtaining
 “ final Judgment and Execution in all Actions
 “ where Writs of Enquiry are to be first executed, IT IS ORDERED, that the Plaintiff may,
 “ if he thinks fit, after serving of Process before
 “ any interlocutory Judgment is had in such
 “ Action, give the Defendant Notice of executing a Writ of Enquiry at some Day in the
 “ following Sessions; and if the Plaintiff shall
 “ sign interlocutory Judgment according to the
 “ Rules of the Court, before the Time appointed for executing his Writ of Enquiry according to his Notice, which is to be served on
 “ the Defendant, or one of his Family, at his
 “ usual Place of Abode, ten Days before executing such Writ of Enquiry, that the Plaintiff may, after the Execution thereof, at the
 “ Close of the same Sessions, enter up final
 “ Judg-

“ Judgment and take out Execution, unless the
 “ Court, on Motion to be made on or before
 “ the last Court of such Sessions, shall order
 “ the entering of such final Judgment to be
 “ stayed.”

The Act for the Prevention of Frauds and Perjuries, 29 Car. II. C. 3. S. 13, 14 and 15, only extending to the Courts at Westminster, by Stat. 8 Geo. I. C. 25. S. 6. It is enacted, That the Officer of the Court of Great Sessions in Wales that shall sign any Judgments, shall, at the signing the same, set down the Day of the Month and Year of his so doing, upon the Paper Book, Docket, or Record which he shall sign, which Day of the Month and Year shall be also entered upon the Margin of the Roll of the Record where the said Judgment shall be entered; and that such Judgments as against Purchasers, *bona fide* for valuable Consideration of Lands, Tenements, or Hereditaments to be charged thereby, shall, in Consideration of Law, be Judgments only from such Times as they shall be so signed, and shall not relate to the first Day
 of

of the Session whereof they are entered, or the Day of the Return of the Original, or filing the Bail.

Of Judgments by Default on Concessits.

BY the Stat. of 12 Edw. I. in an Action of Debt, if the Plaintiff had Judgment by Default, his Debt and Damages seem to have been ascertained either “ *per Discretionem Justiciarum, vel per Inquisitionem Patriæ pro Voluntate Justiciarum;*” and this seems to have been the Ground of making the Judgment by Concessit final, by the Discretion of the Judge. The Course in Practice is for Oath of the Demand to be made before the Judge during Sessions, or in the Vacation, before a Person authorised by Special Commission for that Purpose.

If your Notice has been served fifteen Days before Sessions, and your Declaration filed before the

the Sitting of the second Court, Judgment may be signed at the first Rules in Debt, which are held at the Rising of the fifth Court, otherwise Judgment cannot be signed 'till the second Rules, which are held at the Rising of the ninth Court.

Of NEW TRIALS.

THE Motion for a new Trial must be made within three Courts after the Verdict, or if the Verdict was given so late in the Sessions as not to admit that Time, before the End of the Sessions at which the Verdict was given.

The like Rule holds as to Applications to arrest Judgment; for at the Rising of three Courts after filing Inquisitions, or taking Verdicts, final Judgment is entered, unless, as is above-mentioned, the Sessions should not admit
of

of such Delay, and then at the Close of the Sessions the final Judgment is to be entered.

The Rule for a new Trial is seldom made absolute in the first Instance; therefore, as in other Cases of a Rule *Nisi*, the opposite Party has 'till the third Court from the granting of the Rule, one Court exclusive, and the other inclusive, to shew Cause.

On the Application for a new Trial being made, the opposite Party should endeavour to have the Condition of Payment of Costs of the former Trial inserted in the Rule. In that Case, the Costs which relate to the Proceedings and former Trial, so far as they will be necessary to be done over again, will be allowed.

Of EXECUTIONS.

SUCH Executions as issue out of the Courts at Westminster, may be had in the Great Sessions. The Statute of 13 Geo. III. C. 51. not extending to Executions, they must all be returnable in Sessions.

Of COSTS.

THE same Rules respecting Costs as prevail in the superior Courts, govern the Great Sessions, except that on the Carmarthen Circuit, the Party, before his Bill is taxed, makes his Election, what Execution he will have, and the same, together with

with the Warrant and Poundage, are allowed in all Actions of what Nature soever. By this ancient Custom, a Grievance much complained of in the Courts at Westminster is not felt.

The Costs in the Action by Concessit are so reasonable, as to render that Mode of Redress very suitable for the Recovery of small Debts.

It has long been the Practice to allow the Defendant, in Case the Plaintiff lives out of the Jurisdiction of the Court, to apply to the Court to stay Proceedings until the Plaintiff shall have given Security for the Costs, which Security is by Bond in the Penalty of £. by the Plaintiff, and a sufficient Surety. This Application had been commonly made at any Time before Trial; but being consequently capable of being used to delay Trial at the Moment when the Cause was ready to be called on, it was, the Spring Sessions 1790, holden

at Haverfordwest,* declared that the Application must be made before Plea pleaded, and before Time obtained to plead.

Of EJECTMENT.

Of the Original Writ and Declaration.

THE first Step to be taken after filling up the Half Crown Stamp, is to draw out a Præcipe for the Original in the following Form:

PEMBROKESHIRE, to Wit. If Daniel Phillip shall make you secure, &c. then put, &c. John Thurstout, late of the Hamlets of the Parish of Saint Martin, in your County, Yeoman, that he be before our Justices of our Great Sessions, at our next Great Sessions to be holden for your County, to shew where-

wherefore with Force and Arms he entered into ten Messuages, ten Cottages, twenty Gardens, ten Orchards, ten Barns, twenty Stables, two hundred Acres of Land, two hundred Acres of Meadow, two hundred Acres of Arable Land, two hundred Acres of Pasture, twenty Acres of Wood and Underwood, and two hundred Acres of Furze and Heath, with the Appurtenances, situate, lying, and being in the Hamlets of the Parish of Saint Martin, in the said County of Pembroke, which Margaret Owens demised to him for a Term which is not yet expired, and ejected, &c. and other Enormities, &c. against the Peace, &c. to the Damage, &c.

Upon which the Chamberlain will make you out an Original, in the following Form:

GEORGE the THIRD, by the Grace of God,
of Great Britain, France, and Ireland King,
Defender of the Faith, and so forth; To the
Sheriff of Pembroke-shire, GREETING: If Daniel

John Willy,
Attorney, issued 7th Mar.
1789. Lloyd.

Phillip shall make you secure of prosecuting his Complaint, then put by Suréties and safe Pledges, John Thurstout, late of the Hamlets of the Parish of Saint Martin, in your County, Yeoman, that he should be before our Justices of our Great Sessions, of your County, the first Day of our next Great Sessions to be holden for your said County, to shew why with Force and Arms he entered into ten Messuages, ten Cottages, twenty Gardens, ten Orchards, ten Barns, twenty Stables, two hundred Acres of Land, two hundred Acres of Meadow, two hundred Acres of Arable Land, two hundred Acres of Pasture, twenty Acres of Wood and Underwood, and two hundred Acres of Furze and Heath, with the Appurtenances, situate, lying, and being in the Hamlets of the Parish of Saint Martin, in your County, which Margaret Owens, Widow, had demised to the said Daniel Phillip, for a Term not yet past, which he entered, and him, the said Daniel Phillip, from his said Farms ejected, and other enormous Things to him did, to the grievous Damage of the said Daniel Phillip, and contrary to our Peace: And have you there then the Names
of

of the Pledges, and this Writ. Witnefs our-
self at Carmarthen, the tenth Day of Auguft,
in the twenty-ninth Year of our Reign.

LLOYD.

1 Upon Receipt of your Original, which muft
be fealed and returned as other Originals,
prepare the Declaration, which may be as
follows:

PEMBROKESHIRE, to Wit. John Thruftout,
late of the Hamlets of the Parifh of Saint
Martin, in the County of Pembroke,
Yeoman, was attached to anfwer Daniel
Phillip, in a Plea wherefore with Force
and Arms he entered into ten Meffuages,
ten Cottages, twenty Gardens, ten Or-
chards, ten Barns, twenty Stables, two
hundred Acres of Land, two hundred
Acres of Meadow, two hundred Acres of
Arable Land, two hundred Acres of Paf-
ture, twenty Acres of Wood and Under-
wood, and two hundred Acres of Furze
and Heath, with the Appurtenances, fitu-
ate, lying, and being in the Hamlets of

the Parish of Saint Martin, in the said County of Pembroke, which Margaret Owens, Widow, demised to the said Daniel, for a Term which is not yet expired, and ejected him from his said Farms, and other Wrongs to him did, to the great Damage of the said Daniel, and against the Peace of our Sovereign Lord the King, and so forth: AND WHEREUPON the said Daniel, by John Willy, his Attorney, complains, THAT WHEREAS the said Margaret Owens, on the eighteenth Day of February, in the twenty-eighth Year of the Reign of our present Sovereign Lord the King, at Roch, in the County aforesaid, had demised to the said Daniel the said Tenements, with the Appurtenances; TO HAVE AND TO HOLD the said Tenements, with the Appurtenances, to the said Daniel and his Assigns, from the said eighteenth Day of February, in the Year aforesaid, unto the full End and Term of seven Years, from thence next ensuing, and fully to be complete and ended; by

Virtue

Virtue of which said Demise, the said Daniel entered into the said Tenements, with the Appurtenances, and was possessed thereof, and being so possessed thereof, he, the said John Thrustout, afterwards, to Wit, on the 19th Day of February, in the Year aforesaid, with Force and Arms, and so forth, entered into and upon the said Tenements, with the Appurtenances, which the said Margaret Owens demised to the said Daniel in Manner aforesaid, for the Term aforesaid, which is not yet expired, and ejected him, the said Daniel, out of his said Farms, and other Wrongs to him did, to the great Damage of the said Daniel, and against the Peace of our Sovereign Lord the King: WHEREUPON the said Daniel says he is injured, and hath sustained Damage to the Value of Twenty Pounds. AND THEREUPON he brings his Suit, and so forth.

Pledges to prosecute, { John Doe,
and
Richard Roe.

To WILLIAM BENYON *and* WILLIAM JAMES.

I am informed that you, some, or one of you, are in Possession of, or claim some Title to the Premises in the above Declaration of Ejectment mentioned, or some Part thereof, and I being sued in this Action as a casual Ejector only, and having no Claim or Title to the same, do advise you, and each of you, to appear in his Majesty's Court of Great Sessions, to be holden and kept for the said County of Pembroke, on the first Day of the next Great Sessions to be holden and kept at the Guildhall, Haverfordwest, for the said County of Pembroke, by some Attorney of that Court, and then and there, by Rule of the same Court, to cause yourselves to be made Defendants in my Stead, and defend your several Titles to the same Premises, if any you, or either of you have, otherwise I shall suffer Judgment therein to be entered against me by Default, and you and each of you will be turned out of Possession.

Your loving Friend,

JOHN THRUSTOUT.

Dated July 6th, 1789.

This

This Declaration does not require the Signature of Counsel; it is to be served in the Mode required in the Courts at Westminster; the Service should, however, be fifteen Days exclusive before Sessions, otherwise you cannot force the Defendant to Trial the first Sessions.

Upon a proper Affidavit being made of Service, you must annex the same to the Declaration, and give a Brief to Counsel to move for Judgment against the casual Ejector at the second Court; upon which the Court, being first satisfied of the Regularity of your Proceedings, will grant the Common Rule for Judgment against the casual Ejector, unless the Tenants in Possession of the Premises, or any other Person concerned in the Title thereof, shall appear on or before the Rising of the third Court of the Sessions.

If your Declaration was not served fifteen Days before Sessions, the Rule against the casual Ejector will be unless an Appearance is entered at the second Rules.

Of

Of EJECTMENT.

Of Appearance.

IF the Tenant means to appear, his Attorney must get a Consent Rule from the Secondary, making the Tenant Defendant instead of the Casual Ejector; and the Attorney for the Defendant, after having signed his Name, carries it to the Attorney for the Plaintiff for his Signature, and then files it in the Prothonotary's Office.

If the Landlord would wish to defend, on Application to the Court, without Affidavit, he may obtain a Rule to defend with the Tenant served, or in Case the Tenant shall refuse or neglect to defend, that he may defend alone. In that Case, such Rule should be annexed to the Consent Rule, and the Consent Rule will be drawn out by the Secondary, in Conformity to the Intention of the Parties, either by the
Land-

Landlord's defending together with, or instead of the Tenant served.

When the Defendant has entered an Appearance and filed the Consent Rule, signed by both Attornies, the Plaintiff must get a fresh Original Writ from the Curfitor against the Landlord or Tenants who appear, which is indeed made out by the Curfitor, and filed by the Prothonotary as a Matter of Course. The latter will also prepare the like Declaration against those who have appeared as was already filed against the casual Ejector, and will also enter the Defendant's Plea of Not Guilty, and the Plaintiff's Similiter, all instant.

OF EJECTMENT.

Of the Notice of Trial and Entry of the Cause.

IF the Issue is a new one, it must be entered as other new Issues are, in the Evening after the Rising of the fifth Court, which is the Notice for the Defendant to prepare for Trial, the Rule of Spring 1790, respecting the Notices of Trial, not applying to Ejectments; for 'till the Appearance of the Tenant, or some Person concerned in the Title, there is no Defendant to whom Notice of Trial can be given. If after such Entry with the Marshal, the Plaintiff does not proceed to Trial, the Defendant shall have Costs for attending at the Sessions in Expectation of such Trial. Rule 14 Geo. II.

If the Issue be an old one, Notice of Trial is to be given, and the Cause entered as in other Cases.



Of

Of REPLEVIN.

CONSISTENT with the Plan laid down in this Treatise, I should not think it necessary to say, that Goods, &c. are only replevifable when they have been taken by Way of Distress, if I did not know it necessary to inculcate that Doctrine, and to imprint on the Minds of County Clerks, that Replevyns granted to try the Title to Goods not distrained, are illegal. Co. Lit. 145.

The Proceedings are similar to those in England. The Refalo, like all other Original Writs, is to be had of the Curfitor on the following Præcipe.

PEMBROKESHIRE. Refalo for (either the Plaintiff or Defendant, naming him) of a Plaint between James Thomas, and David Jones, and Thomas David, for taking and unjustly

justly detaining the Cattle, Goods, and
Chattels of the said James Thomas.

JOHN WILLY, *Attorney,*
6th Sept. 1789.

*Returnable the first Day
of next Sessions.*

Rule II G. II. Before Delivery to the Sheriff or Officer,
who is to execute or to make Return of the
Writ, it must be indorsed by an Attorney of
the Court, with his Name of his own proper
Hand Writing.

The Writ and Return must be filed the se-
cond Court, and at the same Court the Cap-
tion must be filed.

If the Replevyn is made by Writ, the Writ
must in like Manner be indorsed, and the Re-
turn and Caption filed at the second Court.

Of SCIRE FACIAS.

THE Writ of Scire Facias, being a Judicial Writ, is made out by the Prothonotary.

If it is intended that the Sheriff should return Nihils on both Writs, your Scire Facias may be tested the first Day of Sessions and returnable the second, and your Alias Scire Facias may be tested the second Day and returnable the third. But if it is intended that the Sheriff should return Scire Feci, then your Scire Facias may bear Teste the last Day of the preceding Sessions, and be returnable the first Day of the following Sessions, and the Sheriff should warn the Defendant fifteen Days before the Return.

In the Instance of issuing two Scire Facias, the Plaintiff is entitled to Judgment at the

G

Rising

Rising of the third Court after the Return of the Alias Scire Facias is filed, and in Case of Scire Feci being returned in the same Space from filing such Return, if no Appearance is entered in either Instance in the mean Time.

If there is an Appearance, the same Rule of Practice holds for declaring, pleading, &c. as in other Cases not altered by Orders of Court or Act of Parliament; namely, from three Courts to three Courts.

of DOWER.

YOU first make out a Fiat for an Original Writ, or Writ of Summons, which you take to the Cursitor, who makes it out as follows:

“ GEORGE the THIRD, by the Grace of
“ God, of Great Britain, France and Ireland
“ King, Defender of the Faith, &c. to the
“ Sheriff of , GREETING: Command
“ John Jones, late of the Parish of ,
“ in your County, Gentleman, that justly and
“ without Delay he render to Mary Jones,
• “ Widow, (which said Mary was the Wife of
“ David Jones, Gent. deceased,) her reason-
“ able Dower which belongs to her out of the
“ Fee Simple Estate, or out of the Lands
“ which were of the aforesaid David Jones,
“ her said late Husband, in the several Parishes
“ of , in your County, whereof she
G 2 “ hath

" hath nothing, as she saith: AND THEREUPON
 " she complains that the said John Jones de-
 " forceth her; and unless he shall do it, and
 " if the said Mary Jones shall secure you for
 " prosecuting her Complaint, then summon by
 " good Summoners the said John Jones, that
 " he be before our Justices of our Great Ses-
 " sions, of your County, the first Day of the next
 " Great Sessions, to be holden in and for your
 " said County, to shew wherefore he will not
 " do it; and have you there the Summoners and
 " this Writ. Witness ourself at Carmarthen, the
 " Day of in the
 " Year of our Reign.

" LLOYD."

When you have the Writ from the Curfi-
 tor, you make a Copy thereof, and get it
 served on the Heir at Law against whom the
 Demandant claims her Dower, in the same
 Manner as other Processes are served, and get
 an Affidavit of the Service thereof, with the
 Writ annexed, made, which you file in the
 Prothonotary's Office the first Day of Sessions,
 and

and afterwards get the Sheriff to make his Return thereon, viz.

Summoners, - - { John Den,
and
Richard Fen.

The Answer of

SHERIFF.

You then leave Directions with the Prothonotary to make out a Writ of Resummons or Iterum, which differs from the Original only in having no Pledges to prosecute in it, and runs thus:

“ GEORGE the THIRD, by the Grace of
“ God, of Great Britain, France, and Ire-
“ land King, Defender of the Faith, &c. To
“ the Sheriff of Carmarthenshire, GREETING:
“ Command John Jones, late of the Parish
“ of in your County, Gent. that
“ justly and without Delay he render to Mary
“ Jones, Widow, (which said Mary was the
“ Wife of David Jones, Gent. deceased,) her
“ reasonable Dower, which belongs to her,
G 3 “ of

“ of the Fee Simple Estate which was of the
 “ aforefaid David Jones, her faid former Huf-
 “ band, in the feveral Parishes of ,
 “ in your County, whereof ſhe hath nothing,
 “ as ſhe faith; AND THEREUPON ſhe complains
 “ that the faid John Jones deforceth her; and
 “ unleſs he ſhall do it, then ſummon again,
 “ by good Summoners, the faid John Jones,
 “ that he be before our Juſtices, of your
 “ County, on next coming, to ſhew
 “ wherefore he will not do it; and have you
 “ there the Summoners and this Writ. Wit-
 “ neſs W. B. Eſquire, Chief Juſtice at Car-
 “ marthen, the Day of in
 “ the Year of our Reign.

“ MATHIAS.”

This laſt Writ bears Teſte the firſt Day of
 Seſſions, and is returnable the ſecond, and is
 not to be ſerved, but muſt be returned by
 the Sheriff in the ſame Manner as the Ori-
 ginal, (except that it has no Pledges to pro-
 ſecute, but only Summoners returned on it,)

and filed the ſecond Day of Seſſions. If the

“ Defendant

Defendant appears, you file a Protestation, which is in the Nature of a Declaration, against him, and if he pleads thereto in three Courts that the Husband was not seized, you proceed to Issue and Trial, as in other Causes; but if Defendant pleads that he was always ready to render Plaintiff's Dower, you sign Judgment to recover Dower and Damages only from the issuing out of the Original Writ, and not from the Death of the Husband, for you cannot recover Damages, that is the Arrears, but from the Time the Widow demands her Dower of the Heir at Law, which is absolutely requisite to be done, though the Heir at Law be an Infant, to entitle the Widow to Damages; and therefore she should, as soon as possible after the Death of her Husband, demand it: Vid. Co. Lit. fo. 326. Buller's Nisi Prius, 117. But if the Heir at Law does not appear on the Return of the Resummons, then having filed a Protestation as above, you give Directions to the Prothonotary to make out the Writ of Grand Cape, which is tested the Day of the Return of the

Writ of Refummons, and is returnable the following Day, and which runs thus:

“ GEORGE the THIRD, by the Grace of
 “ God, of Great Britain, France and Ireland
 “ King, Defender of the Faith, &c. To the
 “ Sheriff of Carmarthenshire, GREETING: We
 “ Command you to take into your Hands,
 “ upon the View of good and lawful Men of
 “ your County, the third Part of fifty Mes-
 “ suages, fifty Gardens, three hundred Acres
 “ of Land, one thousand Acres of Meadow,
 “ one thousand Acres of Pasture, two hundred
 “ Acres of Wood, two thousand Acres of
 “ Underwood, and one hundred Acres of
 “ Furze and Heath, with the Appurtenances,
 “ in the severall Parishes of , in your
 “ County, which Mary Jones, Widow, in
 “ our Court, before our Justices of our Great
 “ Sessions, of your County, at Carmarthen, in
 “ your County, claims as the Dower of the
 “ said Mary, of the Endowment of David
 “ Jones, Gent. her former Husband, deceased,
 “ against John Jones, late of the Parish of
 “ , in

“ , in your County, Gent. by our
“ Writ of Dower, whereof she hath nothing
“ by the Default of the said John; and that
“ the Day of the taking you make known to
“ our Justices of our Great Sessions, of your
“ County, at Carmarthen, in your County, on
“ Friday next coming, there to answer and
“ shew wherefore he hath not been before our
“ Justices of our Great Sessions, on Wednes-
“ day last past, according as he hath been
“ summoned; and have you there the Names
“ of them by whom you shall have made
“ such Summons, and this Writ. Witness
“ William Beard, Esquire, Chief Justice at
“ Carmarthen, the Day of
“ in the Year of our Reign.

“ MATHIAS.”

This Writ of Grand Cape you get returned by the Sheriff, which is only a Matter of Form, and which he does of Course, without viewing the Lands, in the following Manner:

“ By

“ By Virtue of the Writ within written,
 “ to me directed, I have taken into the Hands
 “ of our Lord the King, upon the View of
 “ John Doe and Richard Roe, good and law-
 “ ful Men of my County, the third Part of
 “ the Messuages, Tenements, and Premises
 “ within written; and also by John Denn
 “ and Richard Fenn, good and lawful Men
 “ of my Bailiwick, I have summoned the
 “ within named John Jones, that he be be-
 “ fore the Justices within written, at the Day
 “ and Place within-mentioned, there to an-
 “ swer and shew wherefore he hath not been
 “ before the said Justices as within I am
 “ commanded.

The Answer of

Esquire, SHERIFF.

On the Day of the Return of the Grand
 Cape, you file it, with its Return, in the Pro-
 thonotary's Office, and afterwards you get the
 Writ and Return read in Court, and employ
 a Counsel to move for Judgment; and hav-
 ing

ing obtained a Rule for that Purpose, you make a Copy thereof, which you take to the Prothonotary's, who thereupon signs Judgment, having entered all the Proceedings in the Præcipe Book.

The better to understand the Testes and Returns of the before-mentioned Writs, you will observe, that the Original Writ is to be tested at least fifteen Days before Sessions; for Instance, the first Day of September, and is returnable the first Day of Sessions, viz. the seventeenth: the Writ of Resummons or Iterum is to be tested the Day of the Return of the Original, viz. the seventeenth, and is returnable the following Day, the eighteenth; and the Grand Cape is to be tested on the Day of the Return of the Writ of Resummons, viz. the eighteenth, and is returnable the following Day, the nineteenth; and the third Court afterwards you are entitled to Judgment, as above.

Having entered up the Judgment, you in the Vacation get a Writ of Seizin, tested the
last

last Day of Sessions, and which is returnable the first Day of the next, for the Sheriff to deliver to the Demandant, Seizin of one third Part of the Lands whereof her late Husband died, seized in Fee or Fee Tail, and also to enquire what Damages she sustained by Reason of the Detention of the Dower from her Husband's Death* to the holding of the Inquisition, which are both in the same Writ; by Virtue of which Writ, the Sheriff holds such Inquisition by the Oaths of twelve Persons, before whom the Demandant is to produce Evidence of the Death of her said Husband, and of what Lands, and of what yearly Value he so died seized: And having executed such Writ, he annexes his Inquisition, ingrossed on Parchment, under his Seal and the Seals of the Inquest, the same as on an Elegit, to the Writ, together with the Return of the Writ on another Piece of Parchment, under his Seal,

* That is if Dower was demanded immediately, otherwise only from the Time of demanding Dower and suing out the Original Writ, and the Form of the Writ of Seizin must be varied accordingly.

Seal, which you file in the Prothonotary's Office, the Form whereof are as follow:

“ GEORGE the THIRD, by the Grace of
 “ God, of Great Britain, France and Ireland
 “ King, Defender of the Faith, and so forth;
 “ To the Sheriff of Carmarthenshire, GREET-
 “ ING: Know you that Mary Jones, Widow,
 “ (who was the Wife of David Jones, Gen-
 “ tleman, deceased,) in our Court, before our
 “ Justices of our Great Sessions, of your Coun-
 “ ty, at Carmarthen, in your County, reco-
 “ vered her Seizin against John Jones, late
 “ of the Parish of , in your County,
 “ Yeoman, of the third Part of three Mes-
 “ suages, four Gardens, two hundred Acres
 “ of Land, Sixty Acres of Meadow, two hun-
 “ dred Acres of Pasture, forty Acres of Wood,
 “ and three hundred Acres of Furze and
 “ Heath, with the Appurtenances, as her
 “ Dower, which were of her said former
 “ Husband, in the several Parishes of
 “ in your County, by our Writ of Dower,
 “ and of which she hath nothing: AND THERE-
 “ FORE

“ FORE we command you, that without Delay
 “ you shall cause full Seizin to be given to
 “ the said Mary of the third Part of the Te-
 “ nements aforefaid, to her by Severalty, by
 “ Metes and Bounds: And in what Manner
 “ you shall execute this our Command, you
 “ make to appear to our Justices of our
 “ Great Sessions, of your County, the first
 “ Day of our next Great Sessions to be holden
 “ in your County: We also command you,
 “ that by the Oaths of twelve good and
 “ lawful men of your County, you diligently
 “ inquire if the said David died seized of
 “ the Tenements aforefaid, with the Appur-
 “ tenances, in his Demesne, as of Fee Simple
 “ or of Fee Tail: And if you shall so find
 “ them by their Oaths, you shall diligently
 “ inquire how much the third Part of the
 “ Tenements aforefaid may be yearly worth,
 “ according to the true Value thereof, and
 “ how much Time has been elapsed from the
 “ Time of the Death of the said David, as
 “ also what Damages the said Mary has suf-
 “ tained on Occasion of detaining the Dower
 “ afore-

“ aforefaid beyond the Value aforefaid, as alfo
“ for her Cofts and Charges, by her about
“ her Suit in this Behalf expended: And the
“ Inquifition that you make herein, you fhall
“ make to appear to our Juftices aforefaid,
“ at our aforefaid Great Sefſions, under your
“ Seal, and the Seals of them by whoſe Oaths
“ you fhall make that Inquifition: And you
“ fhall have there this Writ. Witnefs Wil-
“ liam Beard, Eſquire, Chief Juſtice, at Car-
“ marthen, the Day of
“ in the Year of our Reign.

“ MATHIAS.”

*The Execution of this Writ
lies in certain Schedules
hereunto annexed.*

The Answer of

Eſquire, SHERIFF.

COUNTY OF CARMARTHEN. AN INQUI-
TION, indented and taken at the Dwel-
ling Houſe of J. H. ſituate in the
Town of , in the ſaid County
of Carmarthen, before me,

Eſquire,

Esquire, Sheriff, of the County afore-
 said, the Day of in
 the Year of the Reign of our
 Sovereign Lord George the Third, by
 the Grace of God, of Great Britain,
 France and Ireland King, Defender of
 the Faith, &c. by Virtue of his Majes-
 ty's Writ to me directed, and annexed
 to this Inquisition on the Oaths of, &c.
 good and lawful men of my Bailiwick,
 who being charged, do on their Oaths
 say, that the within-named David Jones,
 on the Day of in
 the Year of the Reign of our
 said Lord the King, at the Parish of
 in the said County, died seized in his
 Demesne, as of Fee Simple of the Tene-
 ments within specified; and that the Te-
 nements aforesaid now are, and ever since
 the Decease of the said David Jones, have
 been of the yearly Value of be-
 yond all Reprizes, and that one Year and
 six Months have elapsed since the Decease
 of the said David Jones, and that the
 within

within named Mary Jones sustained Damages by Reason of her Dower within specified, to the Amount of
and for her Costs in this Suit the Sum of forty Shillings: IN TESTIMONY whereof, as well I the said Sheriff, as the Jurors aforesaid, have to this Inquisition put our Seals alternately, the Day, Year, and Place aforesaid.

ESQ.

SHERIFF. L. S.

I humbly certify to the Justices of our Lord the King within-mentioned, that by Virtue of his Majesty's Writ, to me directed, and to this Schedule annexed, I have, on the
Day of in the Year of the
Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland King, Defender of the Faith, &c. caused full Seizin to be given to Mary Jones, Widow, in the Writ aforesaid named, of the third Part of the Messuages, Lands and Tenements in the Writ annexed specified; to Wit,

H

of

of one Messuage, Tenement and Lands, with the Appurtenances, called and known by the Name of T. containing, by Estimation, Acres, or thereabouts, situate, lying and being in the Parish of in the said County of Carmarthen, and now or late in the Tenure or Occupation of J. M. and of two Clofes or Parcels of Lands, containing, by Estimation, six Acres, or thereabouts, called and known by the Names of , both which said Clofes are situate, lying and being in the said Parish of , in the said County of Carmarthen, to be held by the said Mary Jones in Severalty, by Metes and Bounds, in the Name of all the said Dower of the said Mary, belonging to the said Mary, of all the Messuages, Lands and Tenements in the said Writ specified, as by the said Writ I am commanded.

Esq.

SHERIFF. L. S.

Of

Of FINES.

*Of acknowledging a Fine at Bar, or before
the Chief Justice.*

A SIMILAR Præcipe to the Common Pleas Form must be made out for the Curfitor, who will transmit you a Writ of Covenant, tested at least fifteen Days before Sessions, which is sealed by the Compounder.

The Præcipe and Concord must then be ingrossed, of which there must be Duplicates. The Parties attend the Judge either in Court or at his Chambers, with the Attorney concerned, who is expected by the Judge to certify that he is acquainted with the Parties, which is done by his writing under the Concord, "I know the Parties." One of the Concords is left with the Judge ; you take the other,

annexed to the Writ of Covenant, to the Compounder, whose Rule for compounding is to take off one third of the annual Value, or present Rent of the Estate on which the Fine is levied, and then to pay five Shillings in the Pound for what remains.

	£.
The Rent or Value of the Estate per } Ann. is - - - - - }	300
Take off one-third, - - - - -	100

There will remain - - - - -	200

Which, at five Shillings in the Pound, makes 50*l.* the Sum at which it is to be compounded.

Rule Spring
1791.

When the Fine is compounded, you carry it to the Prothonotary, who will get it proclaimed by the Secondary, and at the Close of the Sessions will deliver you the Chirograph, in which he inserts the King's Silver at ten Times the Composition Money.

The

The Secondary will proclaim the Fine the two following Sessions, and the Prothonotary will duly indorse such Proclamations on the Back of the Inrolment: And then your Fine is of “ the same Force and Strength, to all Intents “ and Purposes, as Fines levied with Proclamations before the Justices of the Common “ Pleas in England.” Stat. 34 and 35 Henry VIII. C. 26. S. 41.

Of FINES.

Of acknowledging a Fine by Dedimus.

THE Curfitor will make out the Dedimus, on a Præcipe being sent with the Names of Commissioners, who must be of the Age of twenty-one Years. Rule Spring Great Sessions 1790.

Two Parts of the Concord must be made, and at the Sessions carried by one of the Commissioners to the Chief Justice, by whom he will be examined upon Oath, touching the due Caption of the Fine, and particularly whether the Commissioners knew the Person or Persons who acknowledged the same. Rule 14 Geo. II.

The Judge will keep one Part of the Concord, and sign his Allocatur to the other, which being annexed to the Writ of Covenant, is to be

be carried through the Offices in a similar Manner to Fines passed at Bar.

If the Acknowledgment of a Fine is taken in Vacation, and the King's Silver paid, or, in other Words, compounded, although the De-forceant die before the ensuing Sessions, the Fine cannot be avoided. Vide Booth of real Actions, Page 248

Of RECOVERIES.

*Of suffering a Recovery where the Parties
appear in Person.*

THE Præcipe for the Writ of Entry is to be drawn out similar to the Form in the Common Pleas, upon which the Cursitor will make out a Writ of Entry, returnable the first Day of Sessions, tested fifteen Days before. This Writ of Entry is to be returned by the Sheriff, and then taken to the Prothonotary, that he may enter the Præcipe on the Remembrance Roll.

Rule, Spring
1791.

The Writ must then be compounded. The Composition Money is calculated in a similar Way to the Payment for Fines; but two Shillings in the Pound is only paid for Recoveries, whereas five Shillings is paid for Fines. The Recovery is then to be arraigned in Court, for which Purpose the Prothonotary will attend, and the Attorney

Attorney General commencing the Pleadings for the Demandant, and some other of the Counsel present for the other Parties, on Judgment being given the Secondary marks " at Bar" in the Margin of the Remembrance Roll, and returns it to the Prothonotary.

The Writ of Seizin is the next Thing to be done. It is tested either the Day the Recovery is arraigned, or the Day it is made out, and made returnable the last Day of Sessions. This Writ is to be returned by the Sheriff, and then taken to the Prothonotary to be filed.

In the Vacation the Prothonotary will enrol the Proceedings, and afterwards make out the Exemplification.

Of RECOVERIES.

*Of suffering a Recovery where the Parties
appear by Attorney.*

Rule, Spring
1790.

IT feldom happens that the Tenant appears by Attorney, as some Person who will be necessarily in Court may be made Tenant. However, if the Tenant named should not appear, the Cursitor will make out a Dedimus Potestatem, directed to Commissioners, (who must be of the Age of twenty-one Years) to take the Tenants Warrant, appointing an Attorney, or two Attornies jointly and severally, to appear for him.

But it is very usual for the Vouchee, or Person suffering the Recovery, to appear by Attorney, for which Purpose the Cursitor will also make out a Dedimus. In either Case one of the Commissioners must attend the Judge, to
prove

prove the due Caption of the Warrant of Attorney.

The Dedimus must bear Teste after the Writ of Entry, and be returnable the first Day of Sessions.

When the Judge is satisfied of the due Caption, you file the Dedimus and Warrant of Attorney with the Curfitor, who makes out the Transcript of such Dedimus and Mittimus, which, as well as the Writ of Entry, you file with the Prothonotary. The Transcript must be tested the Return Day of the Writ of Entry, and one or two Writs of Summons must issue from the Prothonotary's Office, as the Exigency of the Case may require, either as the Tenant or Vouchees appear by Attorney, returnable the Day of arraiging the Recovery, and tested the Day before. They must be returned by the Sheriff, and filed with the Prothonotary. Then your Writ of Seizin may be tested the Day of the Return of the Writ of Summons, and be made returnable the last Day of Sessions.

Of

Of ERROR.

BY Statute 34 and 35 Hen. VIII. C. 26. S. 113. all Errors and Judgments before any of the Justices, at any Time of the Great Sessions, in Pleas real or mixed, and by Stat. 1st of Will. and Mary, Sessions I. C. 27. in all Pleas personal are to be redressed by Writ of Error, to be sued out of the King's Chancery of England, returnable before the King's Justices of his Bench in England, as other Writs of Error be in England.

Of the WRIT of FALSE JUDGMENT.

THE Writ of False Judgment is made out by the Curfitor, and is fimilar in Form to that in Fitzherbert's N. B. 18. (a) ufed in England: there, when the Writ is ferved, it is a Superfedas to all Proceedings in the Inferior Court, 6 Hen. VII. 15. (b); but in Wales, by Stat. 26 Hen. VIII. C. 4. “ no Execution of any
 “ Judgment in any bafe Court fhall be ftayed
 “ by Reason of any Writ of falfe Judgment,
 “ but Execution fhall be had at all Times be-
 “ fore Reverfal of the Judgment. If the Judg-
 “ ment happen after to be reverfed, the Party
 “ purfuant to be reftored to all that he hath
 “ loft by the Judgment.” The Writ, at or be-
 fore the Delivery of the fame to the Sheriff, muft
 be indorfed by the Attorney with his own proper
 Hand Writing, and the Writ and Return muft
 be filed with the Prothonotary the firft Court of
 the fecond Day of the Great Seflions held for
 the

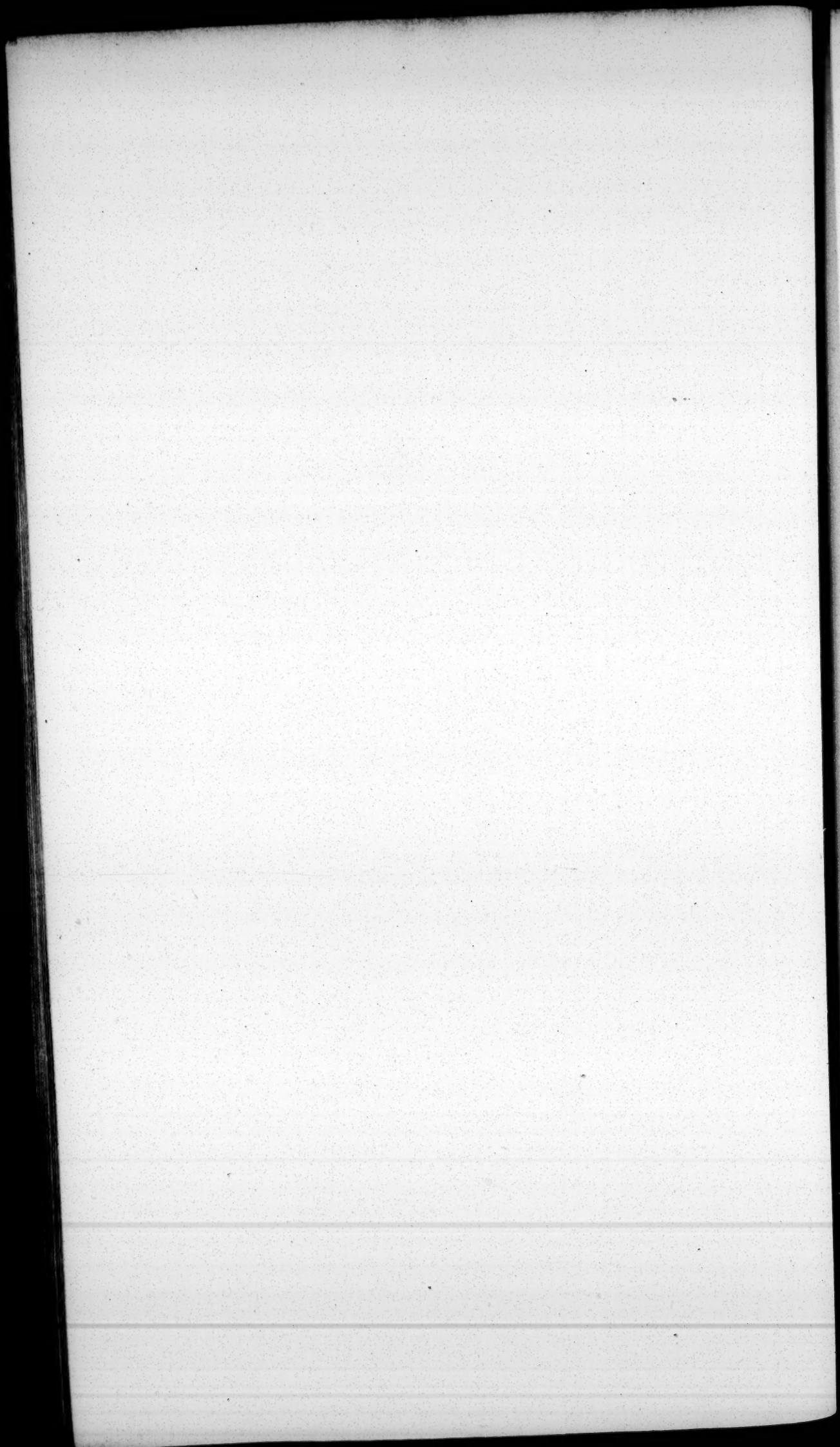
the County where the Cause of Action or Suit arises. Rule 11 Geo. II.

There appears no other Difference in the Proceedings on this Writ and that used in England; but the Course of the Proceedings in the County Courts of England and those of Wales vary essentially; for the Proceedings are not by Distress to enforce an Appearance, but by Summons. “ *Defendentes in quolibet casu summonentur,*” &c. Vide Stat. 12 Edw. I. *De Officio Vice comitis in Wallia*, &c. By the seventy-fourth Section of the Statute 34 and 35 Hen. VIII. C. 26. the Trials are to be by Wager of Law, or Verdict of six Men, at the Pleasure of the Party, Plaintiff or Defendant, that pleaded the Plea; and by the seventy-seventh Section of the same Statute, the Sheriff, upon every Judgment had before him in his Hundred or County Court, in any Complaint under forty Shillings, shall and may award a *Capias ad Satisfaciendum* to arrest the Party condemned, or else a *Fieri Facias*, at the Liberty of the Party pursuant: so that in Wales a Subject may be put into Prison for the

Sum

Sum of one Penny, by an Execution from the County Court, which never having been in the Contemplation of the Legislature when the General Insolvent Act was passed or enlarged, no Words are contained in either of the Acts to extend them to this Case, therefore an unfortunate Debtor in Wales may be imprisoned for Life for ever so small a Debt, as the Law now stands. What renders this more singular is, that if the Debt should be above forty Shillings, and the Plaintiff should proceed by Justices in the County Court, for the greater Debt, a Fieri Facias could only be obtained, the Statute of Hen. VIII. only giving a Ca. fa. in a Plaint under forty Shillings; so that for any Thing above that Sum the Law stands as in England, and there, “ although the Sheriff shall hold a
 “ Plea of Debt upon a Justices, yet the Sheriff
 “ cannot thereupon award a Capias ad Satisfaciendum:” See Br. Justices 1. “ Neither
 “ may the Sheriffs take the Body of a Man in
 “ Execution upon a Justices.” 2 Hen. IV. Br. Justices 4 Finch. 117.

APPENDIX.



A P P E N D I X.

*General Rules and Orders of the
Court of Great Sessions for the
several Counties of Carmarthen,
Pembroke, and Cardigan, the
County of the Borough of Car-
marthen, and the Town and
County of Haverfordwest.*

I Geo. II.

THE HON. JOHN TREVOR, *Chief Justice.*

HENRY BEESTON, ESQ. *the other Justice.*

ORDERED that the Estreats be made and
returned every Circuit.

I

2 Geo.

2 Geo. II.

The Hon. JOHN TREVOR, *Chief Justice.*

HENRY BEESTON, Esq. *the other Justice.*

ORDERED, that for the future when the General Issue shall be by Defendant pleaded to an Action of what Nature soever in this Court, the Plaintiff shall instantly enter his Similiter thereto, and if he defers trying it the Sessions the Plea is put in,—then, in such Case, before any subsequent Sessions he designs proceeding to Trial, he shall give Defendant's Attorney Notice in Writing, fifteen Days before, of such his Design, that the Defendant may prepare himself for his Defence.

3 Geo. II.

The HON. JOHN TREVOR, *Chief Justice.*

HENRY BEESTON, ESQ. *the other Justice.*

ORDERED, that no Person be admitted to swear to the Service of Notice in Ejectment for the future, but such as can read the Notice and subscribe their Names.

4 Geo. II.

The HON. JOHN TREVOR, *Chief Justice.*

HENRY BEESTON, ESQ. *the other Justice.*

WHEREAS the Neglect of the Petty Juries attending at the Sessions for trying the Issue

between Party and Party, tends much to the Delay of Business, which is imputed to the Bailiffs not summoning Freeholders to serve on such Trials as aforesaid, IT IS ORDERED by this Court, that from thenceforth the Bailiffs of the several Hundreds of the several Counties of Carmarthen, Pembroke, and Cardigan, do, upon the second Day of the Sessions to be holden for the several Counties aforesaid, upon Oath deliver into Court a List of the Names of the several Freeholders by them summoned to serve for that Purpose.

WHEREAS, by an Account of the Number of Freeholders in each Hundred within the County of Pembroke returned as qualified to serve on Juries, and delivered into this Court, It appears that there are Freeholders within the Hundred of Kilgerran, (No. 29); within the Hundred of Kemys, (79); within the Hundred
of

of Dungleddy, (36); within the Hundred of Narberth, (40); within the Hundred of Dewf-land, (64); within the Hundred of Castle Martin, (42); and within the Hundred of Roos, (48); besides which Numbers, there are four Parishes in some of the said Hundreds which have made no Return of any Jurors, supposed to be, (22); all which Numbers make in the whole, (360). AND WHEREAS, if every sixth Man out of the said several Numbers in the Hundreds aforesaid, shall be summoned to serve upon Juries in this Court, then there will be sixty Freeholders to attend every Great Sessions, and consequently the same need serve but once in three Years. For the Ease of the Country, and to prevent any Abuses that may happen, and to proportion the Number of Jurors which are to be returned out of the several Hundreds in the said County of Pembroke, to serve on Juries. IT IS THEREFORE ORDERED by this

Court, that the Sheriff of the said County of Pembroke shall not, for the future, summon more Freeholders out of any of the said Hundreds, to appear upon Juries, than the Numbers specified in this Order, viz. to summon out of the Hundred of Kilgerran the Number of (6); out of the Hundred of Kemys, (15); Dungledy, (6); Narberth, (8); Dewsland, (10); Castle Martin, (8); Roos, (7); all which Numbers make in the whole, (60).

For preventing Delays in all personal Actions hereafter to be commenced in this Court, IT IS ORDERED, that a Defendant being served fifteen Days before Sessions, (which Service must be exclusive of the Day of Service and the Day of Sessions), with Notice in Writing under the Hand of the Plaintiff's Attorney, expressing the Cause of Action and the Sum demanded, and Affidavit made of such Service

with

with Notice, and filing a Declaration before the Sitting of the Morning Court, the second Day of the same Sessions,—the Plaintiff shall be at Liberty to proceed to Trial or Judgment the same Sessions. And in Case the Defendant appears, and shall not plead the next Court, a Rule being given for that Purpose, the Plaintiff shall have Judgment in such Action by Nil Dicit.

6 Geo. II.

THE HON. JOHN TREVOR, *Chief Justice.*

HENRY BEESTON, ESQ. *the other Justice.*

For the Ease of the Country, and to prevent any Abuses that may happen, and the better to proportion the Number of Jurors that are to be returned out of the several Hundreds in the

County of Pembroke to serve on Juries, IT IS ORDERED by this Court, that the Sheriff of the said County shall not for the future summon more Freeholders out of any of the said Hundreds, to appear upon Juries, than the Numbers that are specified in this Order, viz. to summon out of the Hundred of Kilgerran, (3); Kemys, (10); Dungleddy, (3); Narberth, (5); Dewf-land, (6); Castle Martin, (5); Roos, (4); all which Numbers make in the whole, (36).

ORDERED, that the Statute Books be always brought into Court the whole Sessions.

7 Geo. II.

THE HON. JOHN TREVOR, *Chief Justice.*

HENRY BEESTON, ESQ. *the other Justice.*

ORDERED, that all Justices of the Peace, or other Officers of this Court, that take Recognizances

nizances or Examinations, touching Felony or other Offence to be inquired of in this Court, do return the same into this Court the second Day of the Sessions, that such Proceedings be had thereon as shall seem just. And that such Recognizances be ingrossed on Parchment before they be received by the Secondary, or filed in the Office.

ORDERED, that when any Defendant or Defendants plead Nil debet per Legem, he must make good his Plea with the Testimony of six Compurgators.

IT IS ORDERED, if the Sheriff of the County, or any of his inferior Officers, do execute any Process out of any Court whatsoever during the Continuance of the Great Sessions, whereby it appears that any Suitor of this Court shall be molested in doing his Business there, without Application first made

to

to the Court, that such Offender shall be fined suitable to his Contempt.

WHEREAS the Neglect of the Grand Jury appearing the second Day of the Sessions, according to the ancient Usage, is found to tend much to the Delay of Business: IT IS THEREFORE ORDERED, that from henceforth all Sheriffs do summon their Grand Juries to appear the second Day of the Sessions, and in Default of their Appearance accordingly, the Court will in such Case lay Fines upon the Defaulters suitable to their Contempt; and for the remedying such Abuses as are practised by the Sheriff's Bailiffs, in returning of Juries for Trial of Issues between Parties, IT IS ORDERED, that from henceforth all Sheriffs do affix the Names of twelve sufficient and able Freeholders in each Hundred to the Warrants by them to be issued out to their Bailiffs, for summoning and proclaiming the
Great

Great Sessions, which Persons, and no others, shall be summoned by the said Bailiffs to appear at the then ensuing Sessions for trying the Issues as aforesaid: and they and no other shall be by the Sheriffs returned for that Purpose.

11 Geo. II.

JOHN TREVOR, ESQ. *Chief Justice.*

HENRY BEESTON, ESQ. *the other Justice.*

For the preventing of all Delays occasioned by the removing of any Action, Complaint, Order, or Suit, into this Court out of any inferior Court, IT IS ORDERED, that all Writs of Error, Certiorari, Recordari Facias Loquelam, Writs of false Judgment, or Accedas ad Curiam, which shall be served out of the Office of the Chamberlain of this Court, shall, at or before the Delivery of the same to the proper Officer to whom
the

the Execution or Return of the same doth appertain, be indorsed by an Attorney of this Court, with his Name in his own proper Hand Writing; and that such Writs, and the Return thereof, shall be filed the first Court of the second Day of the Great Sessions, held for the County where the Cause of Action or Suit doth arise; and in Cases of Replevyn, IT IS ORDERED, that at the same Court, the Plaintiff's Attorney in such Suit do file his Caption: and for preventing likewise the Delays that may happen in Replevyn, in Cases where Goods are replevied by Writ issuing out of the Chamberlain's Office in this Court, IT IS ORDERED, that all Writs of Replevyn, Alias, and Pluries, issuing out of the said Office, shall, at or before the Time of Delivery of the same to the Officer to whom the Execution thereof doth appertain, be indorsed by an Attorney of this Court, with his Name of his own Writing; and
that

that such Writ, and Return thereof with a Caption, shall be by such Attorney filed in the second Court of the Great Sessions held for the County where the Cause of Action doth arise.

12 Geo. II.

JOHN TREVOR, ESQ. *Chief Justice.*

HENRY BEESTON, ESQ. *the other Justice.*

ORDERED, that all Refalo's in Replevyn shall be returned the first Court of the second Day of the Great Sessions to be holden for the severall Counties of Carmarthen, Pembroke, and Cardigan, and that the Chamberlain shall not issue out such Writs, without first having a Fiat from an Attorney of this Court.

13 Geo.

13 Geo. II.

JOHN TREVOR, ESQ. *Chief Justice.*

HENRY BEESTON, ESQ. *the other Justice.*

ORDERED, that no Judgment be entered in any Action of Debt, after fifteen Days Notice given of the Commencement thereof in any Great Sessions to be holden for Carmarthen, Pembroke, and Cardigan, before the third Day of the Great Sessions held in each County respectively; and that all Iterum Summons be taken out, and also sealed and returned by the Sheriff, before any Judgment shall be entered.

ORDERED, that when a Notice of Trial of an old Issue is given, and the Plaintiff does not proceed to Trial pursuant to the said Notice, the Defendant must be served with a Notice of
Counter-

Countermand seven Days before the Sessions, otherwise the Plaintiff to pay Defendant's Costs for his Attendance.

14 Geo. II.

EDWARD CLIVE, ESQ. *Deputy Chief Justice.*

HENRY BEESTON, ESQ. *the other Justice.*

ORDERED, that no Fine taken or acknowledged before any Commissioner, by Virtue of any Dedimus Potestatem, be allowed to pass, unless one of the Commissioners present when such Fine was taken and acknowledged, do personally appear before one of the Justices of this Court, and be examined upon Oath touching the due Execution thereof, and particularly whether such Person knows the Parties acknowledging the same.

WHEREAS

WHEREAS some Doubts have arisen, in what Case the Defendants in Ejectment shall have Costs for the Plaintiffs not proceeding to Trial or Judgment the first Sessions, such Ejectment shall be moved the Morning Court of the second Day of the Sessions such Ejectment shall be brought, and the Defendant shall appear and plead thereto the same second Day; and the Plaintiff, in Case he intends to try such Ejectment that Sessions, shall enter the same in the Marshal's Book the third Day of the said Sessions, which shall be a Notice to the Defendant to prepare for Trial in such Cause; in which Case, if the Plaintiff does not proceed to Trial according to such Entry in the Marshal's Book, then the Defendant shall have his Costs for attending that Sessions in Expectation of such Trial.

ORDERED, that for the future, where any Action is brought for recovering any Debt, and
that

that if any Plea of a Judgment or Recovery in any of the Courts of Record at Westminster, or other Court of Record, be offered, that the Attorney concerned in such Plea shall annex an Affidavit of the Truth thereof, else not to be received.

15 Geo. II.

EDWARD CLIVE, ESQ. *Deputy Chief Justice.*

JOHN POLLEN, ESQ. *the other Justice.*

ORDERED, for the future that all Declarations in personal Actions, (to be entered before the first Rules) be filed on or before the Evening Court of the second Day of every Great Sessions, and that the first Rules shall not be fixed till the third Day of the Sessions. And that all Notices of Actions shall be served on the Defendant, or

K

his

his Wife, or left with one of his Servants, or Family, in his or her Dwelling House, and telling the Contents thereof.

IT IS ORDERED for the future, on every Defendant's perfecting his Law, he shall bring six Persons to be Compurgators.

17 Geo. II.

EDWARD CLIVE, ESQ. *Deputy Chief Justice.*

JOHN POLLEN, ESQ. *the other Justice.*

IT IS ORDERED for the future, that the Grand Juries for the County of Carmarthen, and County Borough of the same, be sworn of the second Day of the Great Sessions.

Aut.

Aut. Great Sessions.

23 Geo. II.

JOHN WILLIAMS, ESQ. *Deputy Chief Justice.*

ORDERED, that Notices given to Defendants of executing Writs of Inquiry, be confined to four Hours.

31 Geo. II.

JOHN POLLEN, ESQ. *Chief Justice.*

EDWARD POORE, ESQ. *the other Justice.*

WHEREAS deferring the Trial of Old Issues to the fourth Day of the Great Sessions, hath been found inconvenient; IT IS ORDERED,

K 2

that

that for the future all old Issues shall be tried on the third Day of every Great Sessions, and be entered for Trial with the Marshal the Day before; and in Case the Plaintiff in such Issue, after Notice of Trial given, shall not enter and bring on his Cause to be tried as aforesaid, the Defendant shall be at Liberty to move for Costs against the Plaintiff for not going to Trial, or Costs as in Case of a Nonsuit, according to the late Act of Parliament, unless the Court shall, on Motion to be made on or before the third Day of the Sessions, think fit to order the Trial of the Cause to be put off to any other Time.

For the Plaintiff's more speedy obtaining final Judgment and Execution, in all Actions where Writs of Inquiry are to be first executed, IT IS ORDERED, that the Plaintiff may, if he thinks fit, after serving of Process before any

Inter-

Interlocutory Judgment is had in such Action, give the Defendant Notice of executing a Writ of Inquiry at some Day in the following Sessions; and if the Plaintiff shall, according to the Rules of the Court, sign interlocutory Judgment before the Time appointed for executing his Writ of Inquiry, according to his Notice, (which is to be served on the Defendant, or one of his Family, at his usual Place of Abode, ten Days before executing such Writ of Inquiry,) the Plaintiff may, after the Execution thereof, at the Close of the same Sessions, enter up final Judgment and take out Execution, unless the Court, on Motion to be made on or before the last Court of such Sessions, shall order the entering of such final Judgment to be stayed.

32 Geo. II.

JOHN POLLEN, Esq. *Chief Justice.*

EDWARD POORE, Esq. *the other Justice.*

For the preventing Delays in all Actions hereafter to be commenced in this Court when the Defendant shall plead a per Legem; It is ORDERED, that every Defendant who shall plead such Plea, shall, on the third Court after such Plea entered and Issue joined thereon, come into Court with six Compurgators, and perform his Law, otherwise the proper Officer shall, on the Rising of the said third Court, enter up Judgment in such Action for the Plaintiff.

33 Geo. II.

JOHN POLLEN, ESQ. *Chief Justice.*

EDWARD POORE, ESQ. *the other Justice.*

WHEREAS it has been represented to this Court, that the Office where the Records for the County of Carmarthen are now kept, is very ruinous and out of Repair; IT IS THEREFORE ORDERED, that the Prothonotary shall be at Liberty to remove the Records to any Place that the Justices of the Peace for the County of Carmarthen shall, at their next General Quarter Sessions, approve of and appoint for that Purpose.

1 *Geo. III.*

JOHN POLLEN, ESQ. *Chief Justice.*

EDWARD POORE, ESQ. *the other Justice.*

IT IS ORDERED, that for the future all Sheriffs for the County of Carmarthen and County Borough of the same, the County of Pembroke, and Town and County of Haverfordwest, and the County of Cardigan, do annex all Pannels whatsoever to the Jury Writs, before the same are delivered in Court.

15 *Geo. III.*

WILLIAM BEARD, ESQ. *Chief Justice.*

EDWARD POORE, ESQ. *the other Justice.*

To the End that the Gaols in the several Counties of Carmarthen, Pembroke and Cardigan,

gan, and the County of the Borough of Carmarthen, and the Town and County of Haverfordwest, may be delivered as early in the Great Sessions as possible; IT IS ORDERED, that all Prosecutors of Indictments against Prisoners shall be ready with their Witnesses by the Sitting of the first Court of the second Day of every Great Sessions, unless such Great Sessions shall begin upon a Friday, and then upon the Sitting of the first Court of the third Day.

21 Geo. III.

WILLIAM BEARD, ESQ. *Chief Justice.*

ARCHIBALD MACDONALD, ESQ. *the other Justice.*

IT IS ORDERED, that from and after the first Day of January, 1782, in all Causes where the Process is returnable in the Vacation, and the Plaintiff files a Declaration in the Vacation, that

Notice

Notice of the filing such Declaration shall be delivered to the Defendant or Defendants, or left at his or their Place or Places of Abode, seven Days before the following Great Sessions, (and in such Case the Defendant or Defendants shall be bound to plead thereto, before the Rising of the second Court of such Great Sessions, unless the Court shall think proper to allow further Time for that Purpose), and if the Plaintiff intends trying his Cause in such Great Sessions, that the same shall be entered in the Evening after the Rising of the fifth Court.

AND IT IS FURTHER ORDERED, that in all Causes where the Original Writ or Process is returnable the first Day of the Great Sessions, and the Debt or Damages shall not amount to the Sum of 10*l.* that the Defendant or Defendants in such Cases shall appear at the Return of such Original Writ or Process, or at or before the
third

third Court of such Great Sessions; and in Case the said Defendant or Defendants shall not appear at the Return of the said Original Writ or Process, or at or before the said third Court, that then it shall and may be lawful to and for the Plaintiff, upon Affidavit being made and filed of the personal Service of such Writ or Process as aforesaid, to enter an Appearance for such Defendant or Defendants; and if the Plaintiff intends trying his Cause at that Great Sessions, he shall file his Declaration before the Rising of the fourth Court, and on the Back of such Declaration give Notice of his Intention to try the Cause in Case the Defendant pleads; which the said Defendant shall do before the Rising of the fifth Court, and the Cause shall be entered in the Evening after the Rising of that Court.

AND IT IS FURTHER ORDERED, that all new Ejectments shall be entered in the Evening after
the

the Rising of the fifth Court, and called on after the old Issues.

Spring Great Sessions.

30 Geo. III.

JOHN LLOYD, ESQ. *Chief Justice.*

JOHN MITFORD, ESQ. *the other Justice.*

First. IT IS ORDERED, that from and after the present Great Sessions, no Person shall be named as a Commissioner in any Dedimus for taking Fines or Recoveries, who shall not at the Time of sealing the Writ have attained the Age of twenty one Years.

Secondly. IT IS FURTHER ORDERED, that the Plaintiff in any Action shall not be at Liberty
to

to proceed to Trial during the Sessions in which Issue shall be joined, unless he shall, eight Days before the first Day of Sessions, (exclusive of the Day of Service and the first Day of Sessions) give to the Defendant, or his Attorney, (in Case he has appeared) Notice of his Intention to proceed to Trial in such Action at such Sessions.

And if the Plaintiff shall not proceed to Trial pursuant to such Notice, not being hindered from so doing by the Defendant, he shall be liable to pay to the Defendant the Costs of not proceeding to Trial, unless he can shew good Cause to the contrary, or shall have given to the Defendant, or his Attorney, (in Case he has appeared,) Notice of Countermand of such Trial, four Days before the first Day of such Sessions, exclusive of the Day of Service and the said first Day of Sessions.

Spring

Spring Sessions.

31 Geo. III.

JOHN LLOYD, ESQ. *Chief Justice.*

JOHN MITFORD, ESQ. *the other Justice.*

First. ORDERED, that all old Issues be entered with the Marshal before the Sitting of the Evening's Court of the second Day of every Great Sessions.

Secondly. ORDERED, that no Recovery be arraigned at the Bar of this Court, unless an Indorsement, purporting that the same has been compounded, shall appear on the Writ of Entry, which shall be produced in Court for that Purpose.

ALSO

ALSO ORDERED, that no Fine shall be proclaimed in this Court, unless an Indorsement, purporting that the same has been compounded, shall appear on the Writ of Covenant, which shall be produced in Court.

Autumn Great Sessions, 1791.

JOHN LLOYD, ESQ. *Chief Justice.*

JOHN MITFORD, ESQ. *the other Justice.*

IT IS ORDERED, that from and after the present Great Sessions, where any Affidavit is taken by any Commissioner of this Court, made by any Person who from his or her Signature appears to be illiterate, the Commissioner taking such Affidavit shall certify or state in the Jurat, that the Affidavit was read in his Presence to the Party
making

making the same, and that such Party seemed perfectly to understand the same, and also that the said Party wrote his or her Signature in the Presence of the Commissioner taking the Affidavit.



F I N I S.

